

December 17, 1971

CONGRESSIONAL RECORD — SENATE

S 21909

foreign aid program, as we have previously known it. These include a ceiling on spending for personnel in Cambodia; certain limitations on the President's discretionary authority to transfer aid funds from country to country and to waive congressionally imposed restrictions; a requirement for a modest cut-back in military personnel assigned to MACV missions abroad; annual authorizations for the State Department and the USIA to make them more responsive to Congress; and requirements for the release of funds impounded for certain domestic programs, as a condition prerequisite to spending the money authorized for foreign aid in this bill.

These reforms, though welcome, fall far short of the kind of restructured foreign aid program that I could support. I say this without derogating, in any way, the effort made by the Senate conferees to achieve more far-reaching changes. As one of those conferees, I can say that we made the strongest possible effort. The bill we bring back to the Senate represents, in my judgment, the best compromise we could obtain.

The ACTING PRESIDENT pro tempore, The time of the Senator from Idaho has expired.

Mr. CHURCH. Mr. President, I ask unanimous consent for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, the bill has had its most important policy provision, the Mansfield amendment, stricken from it, as a result of the refusal of the House of Representatives, in a vote of 130 to 101 taken yesterday afternoon, to instruct their conferees to accept this provision. The refusal of the other body to adopt a legislative policy for ending American involvement in the war in Indochina, represents a larger backward step than all the forward steps achieved in conference taken together. For this reason alone, I would vote against the bill.

Moreover, the total amount authorized by the pending bill is only about \$150 million below that which the Senate rejected on October 29. The ratio of economic to military aid in this bill has not been appreciably altered. In sum, this bill too closely resembles the rejected measure to warrant a reversal in my position. Accordingly, I will cast my vote against this bill.

Mr. HUMPHREY. Mr. President, I regret that in voting for this conference report on foreign aid, we are not voting for the Mansfield amendment because time and time again this has been the expressed will of the Senate. The majority of the American public want a quick and complete withdrawal of our military forces from Vietnam and Southeast Asia.

I also regret that the Senate has accepted the view of the House Appropriations Committee to delete the funding of \$100 million for United Nations development program.

But I am pleased to find that the Senate conferees did accept the House amendment to cut off military assistance and military credit sales to Greece, unless the President finds it absolutely

essential. There is also a ceiling on spending and personnel to Cambodia. This could have been lower but the principle is a good one.

I am pleased that supporting assistance to Israel—\$50 million, which I have strongly supported and worked with Senator JAVITS to have reinstated in the continuing resolution has been included.

The conference report represents a compromise but also it includes some significant and long overdue changes and improvements. I shall vote for it.

FOREIGN ASSISTANCE; WORLD POPULATION PROGRAMS

Mr. CRANSTON. Mr. President, I am particularly gratified the Senate conferees were successful in retaining the Senate provision earmarking \$125 million for fiscal year 1972 and also extending the same earmarking to fiscal year 1973 for programs relating to world population growth. This provision was originally included in the Senate bill as a result of an amendment offered by the Senator from Ohio (Mr. TAFT) and myself. The conferees acceptance of this provision will insure the continuation of critically needed population programs at an adequate level for the next 2 years.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to vote on the question of agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENBERGER), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from South Carolina (Mr. HOLLINGS).

If present and voting, the Senator from Rhode Island would vote "yea" and the

Senator from South Carolina would vote "nay."

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Georgia (Mr. GAMBRELL). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Georgia would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

On this vote, the Senator from California (Mr. TUNNEY) is paired with the Senator from North Dakota (Mr. BURDICK). If present and voting, the Senator from California would vote "yea" and the Senator from North Dakota would vote "nay."

On this vote, the Senator from Georgia (Mr. TALMADGE) is paired with the Senator from Connecticut (Mr. RIBICOFF). If present and voting, the Senator from Georgia would vote "nay" and the Senator from Connecticut would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is absent because of illness in his family.

The Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Maine (Mrs. SMITH), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Georgia (Mr. GAMBRELL). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Georgia would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alaska would vote "nay."

The result was announced—yeas 33, nays 21, as follows:

[No. 455 Leg.]

YEAS—33

Aiken	Case	Hughes
Baker	Cooper	Humphrey
Beall	Cranston	Jackson
Boggs	Domnick	Javits
Buckley	Griffin	Mathias
Cannon	Hart	McGee

December 17, 1971

Metcalf
Miller
Moss
Pastore
Pearson

Percy
Proxmire
Roth
Schweiker
Scott

Sparkman
Taft
Thurmond
Williams
Young

YAYS—21

Allen
Bayh
Byrd, Va.
Byrd, W. Va.
Church
Cook
Curtis

Eagleton
Fulbright
Goldwater
Hansen
Hatfield
Hruska
Jordan, N.C.

Jordan, Idaho
Mansfield
McClellan
McGovern
Nelson
Randolph
Spong

NOT VOTING—46

Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Brook
Brooke
Burdick
Chiles
Cotton
Dole
Eastland
Ellender
Ervin
Fannin

Fong
Gambrell
Gravel
Gurney
Harris
Hartke
Hollings
Inouye
Kennedy
Long
Magnuson
McIntyre
Mondale
Montoya
Mundt
Muskie

Packwood
Pell
Ribicoff
Saxbe
Smith
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker

So the conference report was agreed to.
Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the conference report was agreed to:

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHMENT OF DATE OF SECOND SESSION OF 92D CONGRESS

Mr. MANSFIELD. Mr. President, I send to the desk a joint resolution on behalf of the distinguished minority leader and myself, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 186) was read the first time by title, and the second time at length, as follows:

S.J. RES. 186

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-second Congress shall begin at noon on Tuesday, January 18, 1972.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 186) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

FURTHER CONTINUING APPROPRIATIONS, 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the continuing resolution, which the clerk will state.

The legislative clerk read as follows:

Calendar No. 555, H.J. Res. 1005, making further continuing appropriations for the fiscal year 1972, and for other purposes.

The ACTING PRESIDENT pro tempore. Debate is limited and controlled. Who yields time?

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 20-minute provision which is applicable to amendments in the first degree be likewise applicable to amendments in the second degree, motions, appeals, and points of order, with the exception of nondebatable motions.

Mr. PROXMIRE. Mr. President, reserving the right to object, I think the major amendment to be discussed is in the second degree and, therefore, only 20 minutes would be allowed.

Mr. MANSFIELD. There is time on the resolution.

Mr. PROXMIRE. I can yield time from that?

Mr. MANSFIELD. That is right.

Mr. PASTORE. If we are going to have a yeas-and-nays vote on this matter, let us get an order for the yeas and nays now. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, reserving the right to object, how does the time stand in toto?

The ACTING PRESIDENT pro tempore. Not to exceed 1 hour on the bill, 20 minutes on amendments in the first degree, and 20 minutes on amendments in the second degree, motions, and appeals.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Is any amendment to the amendment to be proposed by the Senator from Wisconsin in the second degree?

The ACTING PRESIDENT pro tempore. The Parliamentarian advises me that the Proxmire amendment is in the second degree.

Mr. JAVITS. So no amendment to that amendment would be in order?

The ACTING PRESIDENT pro tempore. The Parliamentarian advises me that there is a possibility that an amendment to parts of the committee amendment to be stricken out by the amendment would be in order.

Mr. JAVITS. And that would be in order during consideration of the Proxmire amendment after the time on the Proxmire amendment has expired?

The ACTING PRESIDENT pro tempore. The Parliamentarian would have to examine the amendment.

Mr. JAVITS. He would have to examine it as to whether it is a perfecting amendment?

The ACTING PRESIDENT pro tempore. Yes.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. Time is running.

The ACTING PRESIDENT pro tempore. Yes. The unanimous-consent request is before the Senate, as proposed by the Senator from West Virginia.

Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield myself 2 minutes, and thereafter I will turn over my time to the distinguished rank-

ing minority member of the Committee on Appropriations, the Senator from North Dakota (Mr. Young).

Mr. President, I rise for the purpose of asking the distinguished minority leader, with a lift of hope in my voice, if this is to be the final vote, as I understand it, in the first session of the 92d Congress. The inquiry is prompted at this time so that Senators may make plans accordingly.

Mr. MANSFIELD. Yes, it will be the last vote, provided it is a vote of approval. If it is not, then I guess all bets are off.

So in view of the outstanding attendance of Senators today, I hope no Senator would leave—really not leave the Chamber, and certainly not leave the city or the area close to Capitol Hill. It is getting too close for comfort. Both of us would like to see Senators start on their way home or wherever they are going, just as we would like to leave, but the number is now at 51, so we ask Senators to stand by and we will do our best.

Mr. SCOTT. The majority leader is the best lobbyist for affirmative action I have heard yet.

I take this occasion to wish all Senators a Merry Christmas, a happy adjournment, and a Happy New Year.

Mr. PROXMIRE. Mr. President, I call up an amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate is not in order. The Senate will please be in order so that we may hear the reading of the amendment. Time is not running until the Senate is in order.

The clerk may proceed.

The amendment was read as follows:

H.J. RES. 1005

On page 3, strike out lines 19 and 20 and insert the following: "February 22, 1972"; (2) by amending section 108 to read as follows:

"SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder and under prior year balances for the activities hereinafter specified shall not exceed the annual rates specified herein during the period beginning December 9, 1971, and ending February 22, 1972."

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

"Item"	Annual rate
Economic assistance:	
Worldwide, technical assistance	\$165,272,000
Alliance for Progress, technical assistance	79,105,000
American schools and hospitals abroad	15,000,000
International organizations and programs	41,282,000
Indus Basin Development Fund, grants	5,000,000
Indus Basin Development Fund, loans	6,000,000
Contingency fund	31,300,000
Refugee relief assistance (East Pakistan)	100,000,000
Alliance for Progress, development loans	226,693,000
Development loans	530,779,000
Administrative expenses, Agency for International Development	47,000,000

December 17, 1971

CONGRESSIONAL RECORD — SENATE

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. With further reference to Senator Cranston's point on the United Nations development program, what did the conferees decide on that?

Mr. FULBRIGHT. \$138 million. That includes funds for all United Nations programs; the conference agreement does not specify specific amounts for specific programs but the overall amount is very close to what the administration requested. I think they requested \$141 million, and the House approved \$143 million. Anyway, our total amount is \$138 million.

Mr. JAVITS. The reason I ask is because the continuing resolution, which is tied to this, has nothing for the United Nations development program. I wish the record to be clear that the conferees did contemplate that there would be provision for the UNDP, because it will be possible to reach that question again in the January supplemental.

Mr. FULBRIGHT. I anticipate that if we pass this matter today, the House conferees said they believed that they would be able to pass the authorization bill very shortly after their return on the 18th, within a few days. The continuing resolution is already here, so the President can act on that very quickly, and we will get an appropriation which will supplant the continuing resolution, I expect, before February 1.

Mr. JAVITS. I thank my colleague very much.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. I would simply like to express my admiration for the extremely effective leadership the Senator has provided in a vitally important cause which relates to the issue of peace, to the issue of careful use of the taxpayers' money, and to the matter of congressional committee powers, prerogatives, and procedures that are vitally important, if each of us and the appropriate committees are to have a proper role in determining what happens on legislation that comes before the Senate.

It was claimed and reported that a small group of willful men, led by the distinguished chairman of the Committee on Foreign Relations, was obstructing the will of the Senate. The fact is that it was not a small group of willful men, it was a large group of determined men led by the Senator from Arkansas, from both sides of the aisle, and many Senators. I was impressed with the fact that there were many Senators on both sides of the aisle, and I know how many believed in what the Senator from Arkansas was seeking to accomplish here.

It is also a fact that those with appropriate leadership responsibilities in this body were in agreement with the Senator from Arkansas. The distinguished majority leader (Mr. MANSFIELD) expressed on nationwide television his concurrence with the goals of the Senator from Arkansas. And not only the Senator from Arkansas, as chairman of the Foreign Relations Committee, but the Senator from Louisiana (Mr. ELLENDER) as chairman of the Appropriations Com-

mittee, and the Senator from Wisconsin (Mr. PROXMIER) as chairman of the relevant subcommittee of the Appropriations Committee, were in agreement with what the Senator from Arkansas was seeking to accomplish.

So what we have here is a very important effort, involving the leadership and troops behind that leadership, in seeking to achieve something that is very important.

The Senator from Arkansas, as the leader of that group, hung tough when it was necessary to hang tough, but was willing to seek to achieve compromises when compromises of a reasonable nature were offered.

Finally, I believe that we achieved some tremendously important accomplishments that will have a very great deal to do with achieving a far more wise and sensible foreign aid program in the time immediately before us. I, perhaps, differ with the Senator from Arkansas in only one important respect, and I am not sure I differ even here, but I, perhaps, have greater hope than he does of what can be achieved through a peaceful, sound, economically oriented foreign aid program, designed to get help directly to those who need it through multilateral approaches.

I share the Senator's grave concern and doubt about the overwhelming military nature of foreign aid up to this point, and I hope we will succeed in turning it to far sounder directions.

Mr. FULBRIGHT. I thank the Senator. I appreciate his kind words, and especially the fact that he was willing to cooperate in an effort to maintain the Senate's role in this area. Without the Senator's assistance, I would not have had the courage to ever attempt it. I was ready, as the Senator knows, to prolong the session if necessary. But as it happened, yesterday afternoon, very unexpectedly, we were able to reestablish the legislative procedure, and I think to achieve, to some extent, what the Senator has said about the role of the Senate.

I agree with him that the policy provisions here are probably more significant than the amounts. I also have to say that in spite of our best efforts, there is more money in this bill for the military programs than there is for the economic aspects. I tried to tip the balance, but the Senator will note that there is still more money for the military; and when you take this on top of the \$80 billion that the Defense Department gets directly, it is a grave distortion of our priorities. For all practical purposes, this is a lot of our money, in addition to the Defense Department's own programs.

I do not like it, and I did the best I could to restrain that aspect of it, and to turn it around more toward development programs, which I think are constructive rather than destructive.

Mr. CRANSTON. I trust that this is only the beginning, and that in the days, months, and perhaps years ahead, we will achieve further changes that will get us away from military aid programs that sustain dictators who embroil us in the threat of wars that we have no business being involved in, and that instead we

will be moving toward economic aid of a proper nature.

Mr. FULBRIGHT. I thank the Senator.

Mr. COOPER. Mr. President, I join others in saying that I appreciate very much the work of the chairman of the Committee on Foreign Relations, Senator FULBRIGHT, in developing the bill before us.

For weeks we struggled with a foreign aid bill, prior to reporting the first bill to the Senate, and it represented the judgment of the committee. It was defeated on the floor. The committee then sought on the basis of the amendments which had been approved on the floor to design a bill which would be acceptable.

Two bills were reported, one dealing with economic and humanitarian aid, and one with military aid. The total authorization was \$2,647,000,000.

The Senate approved those bills; and when we went to conference, tried to reach agreement. Practically every one of the Senate conferees stood with the distinguished majority leader in attempting to persuade the House conferees to agree to a vote upon the Mansfield amendment.

On the other hand, during that long process, due, I believe, to the willingness of our chairman and the ranking Republican member, Senator AIKEN, who always has fine judgment and patience, and also the tenacity of Representative MORGAN, the chairman of the House Foreign Affairs Committee, we continued to work upon other sections of the conference report. When we were able to reconvene yesterday, practically all the groundwork had been laid.

We had agreed upon many sections, and because of our prior work were able, within two and a half hours, to agree upon the conference report before us. It was a good example of the legislative process.

Great credit and tribute are due the chairman of the committee and to Senator AIKEN. There was good attendance on both sides, and we worked hard to secure a report.

The majority leader worked faithfully to secure a vote upon the Mansfield amendment, because he considers, as many of us do, that the war in Indochina is still the prior matter before our country; but when it was finally voted upon in the House, he was willing that the conference complete its work.

It was another example of the breadth and greatness of Senator MANSFIELD.

Mr. PASTORE. Mr. President, I am very happy that the House yesterday finally decided to do what they could well have done about a month ago. In view of the fact that the Mansfield resolution passed this body with such an overwhelming vote, I think we could expect no less than that the House should promptly and properly submit that amendment to the entire body and vote it up or down that is all we ever asked. This, of course, they have done, though tardily.

The delaying tactics raised, of course, a serious question. While the authorization for the foreign aid bill was in con-

December 17, 1971

ference, we were confronted with the practical question of deciding whether or not there should be a continuing resolution. That created a very unusual situation and might have set a precedent that I feel we would have lived to regret. There is no question about that, because there was a conference in progress. So there should have been a resolution by the conferees one way or the other, before we got ourselves down to the element of either an appropriation bill or an extension of an appropriation by a continuing resolution.

I am happy that the matter has been resolved, and I hope not only that the authorization will be accepted today but that we will accept the continuing resolution as well.

I thank the Senate conferees for their patience. I congratulate the distinguished majority leader for his forbearance in this situation. I hope that now we have reached the point of understanding cooperation in the important legislation that is before us.

Mr. BYRD of Virginia. Mr. President, if I may have the attention of the distinguished Senator from Arkansas, I should like to ask him a question.

The total authorization for fiscal 1972 is \$2,752 million. Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. BYRD of Virginia. The conference agreement also includes an authorization of slightly under \$1 billion; namely, \$984 million, for fiscal 1973.

Mr. FULBRIGHT. That is correct.

Mr. BYRD of Virginia. Is it normal procedure to have two authorizations in a single foreign aid authorization bill?

Mr. FULBRIGHT. The last one was for 2 years. It is not unusual. The House wanted 2 years for both these programs, and we wanted 1. Sometimes we have had to give in to the House and give them 2 years. They frequently plead that 2 years gives them time to study the program further, or they have an election coming up. But the position of the Senate for a number of years has been a 1 year annual authorization, and the position of the House has been for 2 years. This year, we compromised. We gave them 1 year on the military and 2 years on the economic.

Mr. BYRD of Virginia. It seems to me that a 1-year authorization is better than a 2-year authorization.

Mr. FULBRIGHT. It seems that way to me, too; but we get into these conferences, and there are a number of things in here that I do not agree with. We compromised.

Mr. BYRD of Virginia. I understand.

Mr. FULBRIGHT. We proposed 1 year. We tried to get it. But this was the compromise—2 years on economic programs and 1 year on the military.

Mr. BYRD of Virginia. I think the Senator from Virginia and the Senator from Arkansas are in agreement on that matter.

With respect to page 2 of the report, I am not sure that I understand just what is being done in regard to the possible transfer of funds to the international financial institutions. If I read this correctly, it would appear to me that Congress is giving the President the

authority to take funds from title I when he so desires and give those funds to international financial institutions. Am I correct in that assumption?

Mr. FULBRIGHT. That is right. It gives the President the discretion to do that.

The committee agreed upon a policy that there should be a gradual phaseout of the bilateral program by 1975. As a part of that provision we give the President that authority, if he, in his discretion, chooses—if he believes it would be better administered—to transfer some of the funds, or all the funds, from the bilateral loan fund into one of the international lending agencies, which we support under other authorizations, as the Senator knows.

There is a difference of opinion on this. I believe that the multilateral agencies are superior agencies. They do not identify us with the thing I was discussing earlier, of preserving the status quo. We do not get mixed up in their internal political matters. I cannot say that they are any more efficient in the actual administration than our own agency. I do not think either is noted for its efficiency. The programs are difficult. But I do not think any of the development agencies are noted for their efficiency. However, the International Bank for Reconstruction and Development does have an excellent record. It has no defaults. Generally speaking, the reports we have had are that they have expert technicians and administrators as good as one can get.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The hour of 11 o'clock having arrived, pursuant to the previous order—

Mr. MANSFIELD. Mr. President, how much time does the Senator from Virginia want, as we are trying to accede to the convenience of a large number of Senators?

Mr. BYRD of Virginia. I do not want to delay the proceedings but I would like to have a little better understanding of this report. Three minutes will suffice.

Mr. MANSFIELD. Mr. President—

Mr. CHURCH. Mr. President, I should like to have 2 minutes, please.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Virginia (Mr. BYRD) may proceed for 3 additional minutes, and then that the Senator from Idaho (Mr. CHURCH) may proceed for 2 minutes before the vote occurs.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of Virginia. Mr. President, it seems to me that this is going directly counter to what the Senate, I thought, has been trying to do for the past few years. We had been saying that the President has assumed too much authority which Congress was giving him and that we want to reverse that, and now we come along again and say that we will let the President decide.

Mr. FULBRIGHT. This is in accordance with the policy direction emphasized here before. We have said on other occasions and there have been other reports about the necessity or the advisability or the wisdom of emphasizing the

multilateral lending organizations. We had a big debate on IDA, on appropriating funds for IDA. We believe that is a pretty good bargain. IDA is multilateral. We pay only 40 percent instead of 100 percent.

We figure that we get more for our money with IDA. If we put in \$40, we get \$60 which is contributed by other countries. Congress approved that. The Senate voted for the money. We are not saying to the President, "You go do as you please with this money." We say that if he wishes to carry out this policy, we give him the right to do it. This gives him the authority to carry out the expressed policy of Congress which has authorized the money and the policy. I do not think this is giving him anything more.

Mr. BYRD of Virginia. Why does not Congress put the money into the funds themselves?

Mr. FULBRIGHT. We put a good deal of money in the bilateral program and we say here that over time it should be phased out. That means a gradual transfer. That is the only reason—

The ACTING PRESIDENT pro tempore. The time of the Senator from Virginia has expired.

Mr. MANSFIELD. I ask unanimous consent that the Senator from Virginia may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of Virginia. Because of the multinational nature of this, I point out that for the soft loan window of the Inter-American Bank the United States has put up 77 percent. I do not see that that is any substantial improvement.

It is wrong, if we are going to try to settle this matter of Presidential authority versus the Congress, and we have made great progress on it, and then Congress comes in on this foreign aid bill and takes a reverse turn and says that we will let the President make the decision where he wants this money to go.

In amount, this authorization bill is essentially the same bill the Senate rejected on October 29, only 6 weeks ago.

Besides that, the amount authorized is nearly \$1 billion more than the fiscal year 1970 appropriation.

I shall vote against this legislation.

ON VOTING AGAINST FOREIGN AID BILL

Mr. CHURCH. Mr. President, on October 29, when the Senate voted 41 to 27 to reject the foreign aid authorization bill, I addressed myself at length to the reasons why I could no longer support the foreign aid program. I called, at that time, for a drastic reduction in military assistance, a phaseout of the bilateral development loan fund, and a shift to the multilateral approach for long-term economic development in the future. I indicated my continuing support for technical assistance, which is grant aid, as well as for generous American donations for the relief of war refugees and the victims of natural disasters. I also called for fulfilling our commitment to pay our agreed share of the cost for the United Nations, and its affiliated agencies.

The bill we are asked to approve today contains some improvements in the for-

December 17, 1971

CONGRESSIONAL RECORD — SENATE

S 21905

case in that regard. In other words, he cannot simply submit a list, as the Senator has mentioned, for the record which will necessarily be the condition precedent for further releases.

Mr. FULBRIGHT. I am not saying I can submit a list, but if the GAO says it is a clear case of impoundment, that should be decisive under the provisions of this law.

Mr. JAVITS. I see.

I yield to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I am very glad the Senator from New York has raised the question of impoundment of funds. There has been a great deal of talk and loose talk this year about the impounding of funds by the administration. The largest amount of funds "impounded" was those for expenditures on the Federal-State highway system. As I recall, the total was about \$6 billion. Highway funds are not affected by the section to which the Senator has referred, but the situation is similar.

The practice of impoundment started about 10 years ago and has been continued through all administrations. One reason why funds are impounded from time to time, is in effort to halt inflation. Further, as a practical matter, funds are released as projects are approved and payments come due. And as I have stated, funds are withheld from time to time to halt inflation and because of deficits.

I think the Senator from New York is right in asking whether the withholding of such funds can be called "impounded," that is a question about which the President has a great deal of authority in making his decision.

I realize there are many needed projects in this country which should go forward. There are hospital projects, urban developments, and others of that character. Nevertheless, I took the position in conference, and I take it again, that I do not believe the interposition of an amendment like this, which has no germaneness to the question of foreign aid, is a proper amendment. Domestic projects and foreign aid should stand on their separate merits. I thought it wrong, and I still think it wrong, to place in a bill on foreign aid such an amendment, when it has nothing to do with the question of foreign aid connected with our country's security and assistance of other countries, it is a type of threat.

Mr. FULBRIGHT. Mr. President, I did not anticipate that this issue would take any time. We actually discussed this before. The bill as it passed the Senate covered all the impounded funds. It included the \$12 billion, and in the compromise with the House, we agreed to limit it to these three executive departments.

I recognize the right and the obligation of the Senator to defend the administration, but I submit that the degree of impoundment is such by this administration that it is to a great extent unprecedented. A great deal of material has been written on it. I have an article which indicates that the mayor of San Francisco has filed suit—the date of this article is June 12, 1971—challenging President Nixon's power to withhold redevelopment and housing funds appropriated by Congress.

I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO SUES PRESIDENT ON FUND FREEZE

SAN FRANCISCO, June 11.—Mayor Joseph Alioto, acting as attorney for two city agencies, filed suit today challenging President Nixon's power to withhold redevelopment and housing funds appropriated by Congress.

"We believe that this presidential policy of impounding congressional appropriated funds is unjust," Alioto, a Democrat, said in a statement. "But more importantly, we believe it to be unconstitutional—violation of the separation of powers."

Mr. FULBRIGHT. Mr. President, in addition, I have a very interesting article by the Senator from Idaho (Mr. CHURCH) entitled "Impounding Congressional Policy."

I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPOUNDING CONGRESSIONAL POLICY
(By Senator Frank Church)

WASHINGTON.—The executive branch's insatiable appetite for power is now undermining the last bastion of Congressional strength, control of the purse strings. This development—effected by the impounding of funds—underscores the fact that far too much power is concentrated in the modern Presidency for the good health of constitutional government.

Historically, the rapid growth of Presidential power links directly with the shaping experiences of the 20th century—two World Wars, the Great Depression and a protracted cold war. Unfortunately, the Congress itself has accelerated the trend by tamely yielding its power and responsibility. As a consequence, increasing executive authority has overshadowed the separation of powers prescribed by the Constitution to the point where we must ask whether we are witnessing a permanent decline of constitutional government.

Most authority over foreign policy, including the warmaking power that the Constitution vests in Congress, has already passed to the President. Now, on the domestic side, Congress is steadily losing its constitutional grip on the public purse. The disastrous impact of this development can be felt only when one realizes that appropriating money is the most important business assigned to Congress by the Constitution.

The appropriation power, however, lies today as much within the executive domain as within the Congressional. In part, this was inevitable. The increased complexity of governmental transactions, combined with a concomitant need for flexibility, has understandably led to more executive involvement in budgeting for public spending. However, recent Presidents have reached far beyond these bounds toward unrestricted impoundment of appropriated funds—that is, the outright refusal by the President to expend funds in accordance with the will of Congress. (The money, if blocked, remains in the General Fund at the end of the fiscal period.)

Although Democratic Presidents engaged in impoundment in no small way, the Nixon Administration has gone all out. At last count, impounded funds this year total nearly \$13 billion; under Johnson the high was an estimated \$10.6 billion; under Kennedy, \$6.5 billion. Every day, news stories describe discussions within the Nixon Administration as to whether funds Congress

has appropriated for housing, pollution control and health services ought to remain impounded or be released from the executive snare. Commonplace are such news items as: The Administration "may be ready to release the \$686 million in extra funds voted last year by Congress for the fight against water pollution"; or "under Congressional pressure, the Budget Bureau released a backlog of 56 [civilian projects]."

There are occasions, certainly, when the impoundment of appropriated funds is legitimate. For example, if only part of an appropriated sum is needed for, say, an irrigation project, then duty dictates that the remainder not be spent. Or, if Congress, as it sometimes does, makes an appropriation permissive, the President is obviously free to spend or save the money as he chooses. Or impoundment may be expressly directed as in Title 6 of the 1964 Civil Rights Act, where Congress mandates the executive branch to withhold certain funds from localities practicing unlawful discrimination. The area of dispute does not involve such categories but rather executive impoundment made in defiance of Congressional intent.

Obviously the Constitution did not mean to allow the President complete control over spending. It gives him no item veto—if he finds a specific spending item unpalatable, he is obliged to veto the entire appropriation bill in which the item is contained. Furthermore, his veto may be overridden by a two-thirds vote of both sides of Congress.

As Sen. Charles Mathias (R., Md.), recently observed, respecting the impoundment practice:

"We cannot allow . . . the President or the executive branch to have an informal line item veto of appropriated money which cannot be overridden. This is, in effect, to impound declared Congressional policy and threaten Congress' very existence. It is clearly in violation of the spirit and intent of our Constitution."

It should be understood that a vital ingredient of our democracy is the opportunity afforded diverse political interests—farmers, businessmen, veterans, the elderly and others—to appeal in a meaningful way to Congress on behalf of programs they favor. Once it becomes recognized that any given program may be entombed by the President—even when Congress has authorized it and appropriated the money for it—the American people will sense the futility of turning to their elected representatives. This will compound an already discernible sense of frustration, even helplessness, that many social observers find today among Americans. The public will conclude that the executive branch, largely beyond local reach, is wholly in charge. Confidence and respect for representative government will evaporate and the stage could be set for the coming of an American Cromwell.

What is to be done? Senators of both parties and of differing political outlook have become increasingly concerned. Senator Mansfield, the Majority Leader, recently proposed that the House, where appropriation bills customarily begin their legislative journey, institute a court suit to challenge Presidential action. Legal scholars have concluded that no court decisions to date pass directly upon the issue and that decisions of tangential relevance leave the matter in doubt. Some specialists would hesitate to resort to the courts, on the ground that the relationship between the President and Congress is essentially political and not susceptible to judicial remedies.

As for other means, Congressional recourse to the process of impeachment is clearly too harsh to be practical. More realistically, Congress can deny funds requested by the President for programs he may strongly favor, and thus bring pressure on the Chief Executive to implement Congressional intent in other areas. This tack was

suggested in March by Sen. Allen Ellender, chairman of the Appropriations Committee. The most dramatic expression of Senate restiveness over the impoundment issue occurred earlier this fall. The Foreign Relations Committee, when reporting out a foreign aid bill, included a provision forbidding expenditures abroad until the President had released selected urban-development funds impounded last year.

As a minimum, in any struggle for rectification, Congress must strengthen and regularize its review of executive compliance with Congressional appropriations. At present, once an appropriation is passed, Congress usually loses sight of it. The duties of the General Accounting Office, an arm of the legislative branch, should be augmented to include supervision of expenditures in order to identify when impoundment occurs. The appropriations committees of both House and Senate might be required to follow appropriations through the executive branch to insure that they have been allocated and spent as directed. Going further, legislation might be enacted requiring the Office of Management and Budget, formerly known as the Budget Bureau, to inform Congress whenever funds are embargoed.

Sen. Sam Ervin of North Carolina, chairman of the Separation of Powers Subcommittee of the Judiciary Committee, recently introduced a bill, S. 2581, requiring the President to notify each body of the Congress by a special message of every instance in which he impounds funds, or authorizes such impoundment by any officer of the United States. The message must specify the amount, the projects or functions affected, and the reasons. Another provision specifies that the President shall end the impoundment of such funds within sixty calendar days of a continuous session after the special message is received by Congress—unless the impoundment shall have been ratified by Congress.

Of course the most desirable general solution of the problem would be for the executive branch to discipline itself by recognizing that the dominant Presidential initiative in the budgetary process must be matched by meaningful Congressional control. But President Nixon seems insensitive to the problem. In March, when asked about the impoundment issue by Howard K. Smith during an interview on ABC Television, the President replied:

... when I was a Senator and a Congressman, particularly when I was a Senator and a Congressman with a President of the other party in the White House, I played all of these games, with very little success. These games are going to be played. . . .

But the issue is not a matter of "games." It goes to the heart of the separation of powers, the principal accomplishment of the founding fathers.

As such, the matter deserves more respectful attention; then it can be resolved. It need not lead to a fierce collision between the two branches of the federal government. Solutions are available—and should be mutually worked out. For it is clear that the Congress cannot regain its rightful role under the Constitution without a resolution of the impoundment issue.

More recently there was a very scholarly study by Mr. Louis Fisher of the Congressional Research Service of the Library of Congress on this matter. I read one paragraph of it, as follows:

In the cases cited thus far, funds were withheld either in response to specific statutory directives or on the grounds of good management of funds for weapons procurement.

He is talking primarily about weapons. Then he gets into the impoundment problem:

A different situation has developed under the Nixon Administration, where funds have been withheld from domestic programs because the President considers those programs incompatible with his own set of budget priorities. In the spring of 1971, the Nixon Administration announced that it was withholding more than \$12 billion, most of which consisted of highway money and funds for various urban programs. When Secretary Romney appeared before a Senate committee in March, he explained that funds were being held back from various urban programs because there was no point in accelerating programs that were "scheduled for termination." He was referring to the fact that Congress had added funds to grant-in-aid programs which the Administration wanted to consolidate and convert into its revenue sharing proposal. To impound funds in this prospective sense—holding on to money in anticipation that Congress will enact an Administration bill—is a new departure for the impoundment technique. Impoundment is not being used to avoid deficiencies, or to effect savings, or even to fight inflation, but rather to shift the scale of priorities from one Administration to the next, prior to congressional action.

I submit that the degree and extent to which this administration has used the power of withholding of appropriated funds, commonly called impoundment, is unprecedented; and I personally think it is to bring pressure upon Congress to go through with, among other things, the program for revenue sharing, which is very controversial.

But I do know from my own experiences with these programs which affect the small communities that there was no excuse for withholding these funds. Those programs had been approved; they had met all the requirements of eligibility, and the President decided to impound the funds.

They give as grounds the argument about controlling inflation, but the reason that that argument is wholly without merit is that when they come along with a program as far out and remote from our interests as going to the moon, there is no disposition to impound funds, or when they want to build an SST, they bring all the power and force that they can muster to promote the building of an SST, which is a most wasteful and questionable activity. But, as Mr. Fisher has said, the President has used it simply to establish his own set of budget priorities.

The Senator from North Carolina (Mr. Ervin) has raised the question most seriously, in his subcommittee, about the constitutionality of the President to do this; the President is sworn to uphold and execute the laws of the United States. The Congress having passed an appropriation bill, the President signs it but then decides the money will not be spent.

We agree that, in a very moderate amount and for purposes of good management, and so on, impoundment might be acceptable to a reasonable degree. But I think the record indicates that he went far beyond any of the practices heretofore applied in this field.

I did not wish to make a big point of it, but this was not put in here for political purposes; it was for a very practical purpose of trying to get relief in those areas

of this economy where we would think we needed it. Congress itself has said we need it, and I regret that there is apparently an intimation that this is put in for political purposes to embarrass the President. I can assure the Senator from Kentucky that there is no such purpose; it is simply to get actual results on this very modest number of projects of a domestic nature which are fundamental to the strength of our own economy.

Mr. President, I as unanimous consent, in order to complete the record, to have printed in the RECORD at this point, from the committee report, section 108, entitled "Limitation on Use of Funds," which describes this matter in greater detail.

There being no objection, the excerpt from the committee report (No. 92-432) was ordered to be printed in the RECORD, as follows:

SECTION 108—LIMITATION ON USE OF FUNDS

This section focuses attention on domestic vs. foreign needs. It calls upon the President to release by not later than December 31, 1971 all of the funds that were appropriated for domestic programs but later impounded during FY 1971. If the President does not release these funds by the December 31 deadline, then he is prohibited after that date from obligating or expending any funds appropriated pursuant to the Foreign Assistance Act or the Foreign Military Sales Act. The prohibition would continue to apply until the impounded funds were released and the Comptroller General so certified to the Congress.

The provisions of this section shall not apply to funds being withheld in accordance with specific legal requirements.

The latest information that the Committee was able to collect on the impounded funds issue indicates that the total amount of these funds is about \$12 billion. Of this total, more than \$10 billion for domestic programs was still impounded as of May 14, 1971, with the Office of Management and Budget estimating that perhaps half the amount would be released by June 30, 1972. In terms of the precise amounts now impounded, the Committee will rely on the determinations made by the General Accounting Office.

The objective of this amendment is to give the American public some indication that the Committee is just as aware of our domestic needs as it is of the needs of other countries. The provisions of the section say to the taxpayers of this country, "You will be assured of getting the funds appropriated by Congress for domestic programs and projects before additional foreign aid funds can be obligated for similar programs and projects in Rio de Janeiro, Nairobi or New Delhi."

In addition to focusing attention on domestic vs. foreign needs in the context of the whole national priorities debate this section of the bill also addresses the separation of powers issue and the Constitutional responsibilities of the Legislative and Executive Branches of our Government.

If the President is left free to impound funds appropriated by the Congress, this could result in an even greater unbalance between the two Branches than has developed in the field of foreign affairs. If the Congress' power of the purse is infringed or restricted in any way—such as through the impoundment of appropriated funds—Members of Congress might as well pack their bags and go home. This is the only real power the Congress has left and it must be guarded and protected, and kept whole and intact. The Committee believes that the requirements of this section are consistent with this goal.

also provided that no appropriation shall be made for the payment of any amount to any activity of the United Nations, "unless such payment has been previously authorized by legislation hereinafter enacted by the Congress."

The House amendment did not contain a comparable provision.

The Senate recessed.

J. W. FULBRIGHT,
FRANK CHURCH,
GEORGE D. AIKEN,
JOHN SHERMAN COOPER,
CLIFFORD P. CASE,

Managers on the Part of the Senate.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
DANTE B. FASCELL,
WILLIAM S. MAILLARD,
PETER H. B. FRELINGHUYSEN,
WM. S. BROOMFIELD,

Managers on the Part of the House.

Mr. FULBRIGHT. Mr. President, the conference on the foreign aid bills was one of the most difficult in which I have participated during my 26 years in the Senate. The product is not likely to satisfy anyone completely. It certainly does not satisfy me. But, under the circumstances, I believe that the Senate conferees have worked out a favorable compromise bill that upholds the major elements of the two bills passed by the Senate.

There were major differences between the Senate and House positions—on policy, on money amounts, on the length of the authorization period, and even as to whether there was to be one bill or two. The vast gulf between the Senate and the House, particularly on the policy issues, both on foreign aid policy and also those relating to the war in Southeast Asia, epitomizes the sharp difference between each body's concept of its role in the formation of foreign policy. The prospects for bridging this gulf are not encouraging.

After the Senate's 27-to-41 defeat of the first foreign aid bill on October 29, the economic and military programs were separated into two bills and, subsequently, passed by large margins. The House, through the device of an unprecedented action by the Rules Committee, was able to go to conference on the substance of the bill which was defeated by the Senate, without ever considering the provisions of the Senate's two bills either in the Foreign Affairs Committee or on the floor. Obviously, there was concern that the House might defeat one, or possibly both, of the Senate's bills if Members were forced to stand up and be counted on them. This fear of a defeat on the floor, particularly of an economic aid bill, made the House conferees insistent on combining the two Senate bills into one so that economic aid could again get a free ride on the back of the military aid package, the very sort of mixing of apples and oranges the Senate rejected in voting down H.R. 9910. However, the Senate conferees finally yielded and agreed to one bill combining both programs in return for the House conferees agreeing to a 1-year authorization for military aid instead of the 2-year authorization in their proposal. This will insure that the Senate will have an opportunity to review military aid, particu-

larly that for Southeast Asia, again next year.

There were, in all, 94 points of difference between the Senate and the House positions. According to my calculations the Senate position was mentioned on the most important substantive points.

Mr. President, the foreign aid conference report now before the Senate carries a total authorization for fiscal year 1972 of \$2.752 billion. Of this amount, \$1.234 billion is for economic aid \$1.518 billion is for military programs, including supporting assistance, military grant aid, and foreign military credit sales. Nine hundred and eighty-four million dollars in economic aid is to be authorized for the 1973 fiscal year.

Specific amounts for some of the items of particular interest are as follows:

Alliance for Progress, \$295 million, of which no more than \$88.5 million may be in technical assistance grants.

American schools and hospitals abroad, \$30 million.

Population programs, \$125 million earmarked from funds otherwise available for economic assistance programs.

U.N. programs, \$139 million.

Pakistan refugee relief, \$250 million.

Supporting assistance, \$618 million, of which \$50 million is earmarked for Israel.

Military credit sales, \$400 million with the aggregate credit ceiling set at \$550 million, of which \$300 million is set aside specifically for Israel.

The \$2.7 billion authorization is approximately \$800 million below both the administration's request and the House authorization bills, and it is \$100 million over the amount contained in the authorization bills passed by the Senate.

A comparative table showing all of the pertinent figures is contained in the conference report.

Mr. President, while the money amounts in the bill carry a special significance at this time when our economic situation, both domestic and international, is so fragile, the policy provisions are the most significant part of this bill. Here are some of the Senate's provisions agreed to in conference:

In conjunction with a \$341 million ceiling for fiscal year 1972 spending in or for Cambodia, the conferees agreed to limit the number of personnel in Cambodia paid by the United States to 285, of which not more than 200 may be U.S. citizens, excluding those involved in Cambodian air operations.

Agreement was also reached on a minimum 15-percent cutback by September 30, 1972, in the number of U.S. military aid mission personnel stationed overseas.

The House conferees also agreed to the Senate's recommendation to require periodic authorizations for the State Department and the U.S. Information Agency.

Mr. President, I think that is one of the most significant of the provisions. It is a provision which we have long sought. And this is the first opportunity we have had of attaining it. I think it will do much to restore better relations between the State Department and the Senate.

Mr. President, on the impounded funds

issue, the conferees agreed to require, by April 30, 1972, the release of all impounded funds for programs administered by the Department of Agriculture, the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development. There is a little over \$2 billion being withheld from these programs. If all of these funds are not released by the April 30 deadline, the President is barred thereafter from spending or obligating additional foreign aid funds, including funds for military sales. This provision establishes, I think, a very important precedent; namely, that Congress will bar the President from spending funds on projects which he considers important when he has acted to withhold funds from programs which the Congress believes are important. Congress decision to do this will, in my opinion, help to restore a more appropriate balance between the executive and legislative branches of Government.

The conference also reached agreement on several key Senate provisions which tighten up on the President's transfer and waiver authority under the Foreign Assistance Act by requiring advance, written notice to Congress before he may use these special authorities. These provisions are designed to help restore Congress role in the foreign policy field by insuring that it will be informed before the fact and not after it.

Mr. President, I wish to say a few words about the provision imposing a ceiling on U.S. spending in or for Cambodia. One of the most difficult issues in conference was over the Symington-Case amendment which imposed a ceiling on all U.S. expenditures in or for Cambodia—and this was explicit in the debate and the report of the committee—including the U.S. cost of South Vietnamese operations in that country.

I thought the \$341 million ceiling for fiscal year 1972 was much too high inasmuch as the committee had originally voted a ceiling of \$250 million for fiscal year 1972. But, nevertheless, I considered it another solid step toward bringing our involvement in Cambodia under better control by Congress. After much discussion the Senate conferees reluctantly agreed to exempt from the 1972 ceiling the U.S. cost of South Vietnamese operations in Cambodia. All other U.S. spending into, for, or on the behalf of, Cambodia is to be counted against the \$341 million ceiling. The only reason why the costs of the South Vietnamese operations were exempted this year—and this year only—was that we do not have any estimates of these costs, and, in addition, the fiscal year is already nearly half gone.

For fiscal 1973 Congress must specifically authorize funds for all programs or activities to be conducted in, for, or on behalf of, Cambodia, including the costs of South Vietnamese operations there. Congress will, for the first time, be given a detailed accounting of how much the taxpayers are being asked to spend for or in Cambodia. They will thus be able to make more intelligent decisions on both individual authorizations and the overall ceiling.

Mr. President, these policy provisions, together with many others in the bill

December 17, 1971

before us, represent, I think, not only significant and needed additions to the Foreign Assistance and Foreign Military Sales Acts, but just as importantly, they represent a victory—a very significant victory—for the legislative processes of the Congress.

I may say at that point, the principal reason for my activities with regard to the continuing resolution which preceded this conference was to try to achieve exactly that point; that is, to restore the traditional legislative process of authorization prior to appropriation and to discontinue, as far as we can, the use of continuing resolutions which, as we know, are not subjected really to examination by anyone other than a few, a very few members of the Committee on Appropriations of each House.

Mr. President, I hope we have seen the last year when Congress goes down to the adjournment wire with problems over a foreign aid bill. Next year I will do my utmost to get the authorization bill for the military aid program to the floor early in the session so that an appropriation bill can be passed well before the end of the fiscal year. There will be no need for an authorization for the economic aid program since the Senate gave in to the House plea for a 2-year authorization.

During the next session the committee will be working to develop legislation to chart a new course for both economic and military aid. We will consider the administration proposals of this year as well as ideas which we hope to obtain from a wide variety of nongovernmental sources. As we know from our experience in Southeast Asia, the executive branch is not the fountain of all wisdom on foreign policy. So, in order to develop the best bill possible, the committee plans to solicit ideas from many sources. I cannot predict that we will be able to develop legislation that will bridge the philosophical and policy gap between the Senate and the House on foreign aid. But the committee's obligation is to the Senate, and I shall do my best to develop new legislation that will merit the support both of Members of this body and the general public.

I urge the approval of the conference report.

Mr. President, I am bound to add as a footnote that, while I urge the Senate to support this measure, and I shall support it, I still have grave reservations about much of the aid program—the humanitarian assistance portion of it. I have no reservation about, and I think it is in the national interest. But I think most of the overall program is against the national interest.

I think the proliferation of the number of small countries into which we intrude with military programs particularly designed to induce these small impoverished countries to buy modern expensive weapons is not only against the interests of those countries but also against our interest. It is against the interests of those countries, because the effect is to preserve in each case the established regimes, which may or may not be supported by the people of the respective countries, so we become iden-

tified with the status quo in these countries. This is contrary to our traditions. Our country was born out of change and revolution. When this country was created, we used to be sympathetic to people who wanted to improve their lot by social and political change. I think this program has been greatly distorted into a mission for the preservation of the status quo, no matter how unsatisfactory it is in country after country.

It is against the historical tradition, the real interest, and real preference of our own people.

I do not know how to impress on my colleagues or the country in an effective manner that much of the program is against our national interests. This is the principal reason why I have not been able to support the program as such for the last 4 or 5 years.

I support the conference report, because of the alternatives before us. This is the best we could do under the circumstances and, therefore, I felt it my responsibility to do whatever I could to bring about the best results in view of the seemingly inevitability of the program.

I state for the RECORD that this conference was held yesterday afternoon on very short notice, as a consequence of the vote in the House on a motion to table a motion that instructed the conferees to vote for the Mansfield amendment. I regret very much the vote was not a straight up and down, simple vote, for or against the Mansfield amendment. It should have been that way, but the action in the other body approximated a vote on the Mansfield amendment, even though in a distorted form.

I want to call attention to the fact that even in that form of instructions to conferees, on a motion to table, a switch of 15 votes would have approved the Mansfield amendment. So it was a pretty close vote even under those adverse circumstances which, to me, indicates that even in the House there has been a great erosion of those who once supported the war in Vietnam. The House is pretty evenly divided, whereas the vote in the Senate would have clearly showed a majority of the Members strongly in favor of an early termination of our involvement in the war in Vietnam.

That is a sidelight of this exercise which in a way is encouraging, although I would like to have seen a clean-cut vote on the Mansfield amendment. I want to make it very clear that I support the Mansfield amendment, as do the majority of the Members of this body. I think the Senator from Montana rendered a great service to this body and our country in bringing this matter before Congress and the country. If something does not give in the near future I am quite sure he will bring it up again; at least I think he will. I hope he does.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I notice that section 658, the limitation on use of funds, was conditioned on the release of impounded appropriations administered by three departments of Government as of April 1972.

I ask the Senator whether we could be enlightened as to what is actually involved. In other words, what is the total amount impounded under that section and what are the headings, so the record may be clear on the condition precedent that we expect to be met?

Mr. FULBRIGHT. There is some dispute as to how much is impounded. In a way, it is a semantic difficulty.

It applies, as I stated, only to the three agencies. Let me give the Senator an example: The Farmers Home Loan Administration, the program for water and sewer projects in small communities of under 5,000. These are quite small communities such as occur in States like my own.

If my memory serves me correctly, they impounded some \$56 million out of \$100 million. There was not any question or doubt about whether the money was impounded or not. It was a clear-cut impoundment. The reason why I followed this matter very closely is that in my own State we had 133 projects eligible for funding, and no funding was available. That is, they had been approved for water and sewer projects and they had not been funded. One of the principal reasons why they have not been is the impoundment of more than 50 percent of the amount appropriated, and of course the appropriations were approved by the President. This is the type of thing that interested me.

There are also housing projects in my State, and I suspect in other States, for which the President has not made available funds which have been appropriated.

The dispute comes from their saying, "Well, the conditions are not right or favorable for the expenditure at this time."

The latest information from the OMB is that, for the Department of Agriculture, \$429 million has been withheld from obligations. For the Department of Housing and Urban Development, \$1,708 billion. The one for Housing and Urban Development, of course, is the big one. While that is not as important in my State as the other, it is something that is of importance in the Senator's State. For HEW, \$131 million. That makes a total of \$2.268 billion.

Mr. JAVITS. All of that will turn upon the meaning of the term "impounded." Is that correct?

Mr. FULBRIGHT. The GAO has the responsibility for making that determination.

Mr. JAVITS. I did not hear that.

Mr. FULBRIGHT. The General Accounting Office.

Mr. JAVITS. They define it?

Mr. FULBRIGHT. They will have to make a determination.

Mr. JAVITS. But it turns on the question of whether it is impounded or not?

Mr. FULBRIGHT. That is correct.

Mr. JAVITS. As a practical matter—

Mr. FULBRIGHT. I think the Senator will agree that the GAO is the best agency to determine that.

Mr. JAVITS. Yes, that is true. The fact of the matter, however, is that the President is legally advised, as is the GAO, that he will have a certain arguable

December 17, 1971

The Senate bill contained no comparable provision.

The House receded.

CEILING ON EXCESS DEFENSE ARTICLES

The Senate bill contained provisions which provided that excess defense articles furnished by any U.S. agency (other than the Agency for International Development) would be considered as having been furnished under the Foreign Assistance Act of 1961 for military assistance; established a ceiling of \$150 million on the value of such excess defense articles; and exempted from the ceiling excess defense articles granted to South Vietnam prior to July 1, 1972, under authority of laws other than Part II, military assistance, of the Foreign Assistance Act of 1961.

The House amendment established only a \$220 million ceiling on the value of excess defense articles that could be furnished during fiscal year 1972.

The House accepted the Senate provisions with an amendment which provided for a ceiling of \$185 million.

CONSIDERATIONS FOR FOREIGN MILITARY CREDIT SALES

The House contained a provision requiring that decisions to provide foreign military credit sales take into account whether such assistance will: (1) contribute to an arms race, (2) increase the possibility of outbreak or escalation of conflict or (3) prejudice the development of bilateral or multilateral arms control arrangements.

The Senate bill contained no comparable provision.

The Senate receded.

REPORTING REQUIREMENTS FOR LICENSED CO-PRODUCTION

The House amendment contained a provision which required the Secretary of State to report in advance to the House and Senate proposed transactions relating to defense articles which would be co-produced or licensed outside the United States.

The Senate bill contained no comparable provision.

The Senate receded.

AMENDMENT TO THE EXECUTIVE SCHEDULE

The House amendment amends Section 5314 of Title 5, USC (Executive Schedule) to provide for an Under Secretary of State for Coordinating Security Assistance Programs at level III.

The Senate bill has no comparable provision.

The Senate receded.

AUTHORIZATION FOR U.S. PARTICIPATION IN THE INTERPARLIAMENTARY UNION

The House amendment increased the authorization for annual appropriations from \$53,550 to \$83,000—\$38,000 for the U.S. contribution to the Interparliamentary Union and \$45,000 to cover expenses of the American group of the Interparliamentary Union.

The Senate bill authorized appropriation of \$102,000—\$57,000 as a contribution to the Union and \$45,000 for the expenses of the American group.

The House receded.

AUTHORIZATION FOR U.S. PARTICIPATION IN THE INTERPARLIAMENTARY CONFERENCES OF NATO

The House amendment increased the authorization for annual appropriations for U.S. participation in parliamentary conferences of the North Atlantic Treaty Organization from \$30,000 to \$50,000, thereby increasing the amount available for the House and Senate from \$15,000 to \$25,000 each.

The Senate bill did not contain a comparable provision.

The Senate receded.

USE OF FOREIGN CURRENCIES BY CONGRESSIONAL COMMITTEES

The Senate bill amended Section 502(b) of the Mutual Security Act of 1954, effective March 1, 1972, by increasing U.S.-owned

excess foreign currency normally made available to members of Congressional committees for foreign currency expenses incurred in carrying out the duties of the committee. It would eliminate the requirement for a full, itemized report to the House Administration and Senate Appropriations Committees of expenses thus incurred and for the publication of such reports.

The House amendment did not contain a comparable provision.

The Senate receded.

ANNUAL FOREIGN ASSISTANCE REPORT

The Senate bill added a new Section 653 to the Foreign Assistance Act requiring an annual report to the Congress within six months of the end of each fiscal year, showing (1) the value of all foreign assistance provided during the fiscal year, in total and by category to each country or international organization; (2) the amount and reason for each payment of foreign currency to the United States during the fiscal year by each country and international organization, whether any portion was returned by the United States and, if so, how much and used for what purpose; (3) the value of all military equipment exported under license, in total and to each country or international organization; and (4) other matters pertaining to U.S. foreign aid programs. All the information is to be unclassified except on an extraordinary finding of clear detriment to U.S. security.

Foreign assistance is defined as anything provided by the U.S. Government by gift, loan, sale, credit sale, or guaranty to a foreign country or international organization, including any training, service, advice, property, agricultural commodity, dollars or foreign currencies. Value is to be determined as of the time of transfer, but may not be less than one-third of acquisition cost.

The House amendment did not contain a comparable provision.

The House receded.

LIMITATION ON USE OF FUNDS—IMPOUNDED FUNDS

The Senate bill included a provision which would prohibit the obligation or expenditure of funds made available under the FAA and the Foreign Military Sales Act until the Comptroller General certifies to the Congress that previously appropriated FY 1971 funds for various domestic development activities have been released for obligations and expenditure. The provision would not apply to funds withheld in accordance with legal requirements or to funds obligated or expended prior to January 1, 1972.

The House amendment did not contain a comparable provision.

The House receded with an amendment which limits the release of funds requirement to programs administered by the Department of Agriculture, the Department of Housing and Urban Development and the Department of Health, Education, and Welfare. The amendment also changes the release deadline from January 1, 1972, to April 30, 1972.

ANNUAL AUTHORIZATIONS FOR STATE DEPARTMENT AND USIA

The Senate bill contained a provision requiring authorization for any subsequent appropriation of funds for the Department of State and the United States Information Agency, and repealed the authorization for the Department of State working capital fund, with the objective of putting these authorizations on an annual basis. The provision also required the State Department to keep the Senate Foreign Relations Committee and the House Foreign Affairs Committee "fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees of all departments, agencies, and independent establishments of the United States Government conducted outside the United States

or its territories or possessions." It also required that any such department, agency or independent establishment furnish any information requested by either committee within its jurisdiction.

The House amendment did not contain a comparable provision.

The House receded with an amendment which substituted "periodic" for "annual" authorizations, deleted the reference to the activities of "all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions" but retained the language of the Senate bill requiring the Department of State to keep the Committee on Foreign Relations and the Committee on Foreign Affairs fully and currently informed "with respect to all activities and responsibilities within the jurisdiction of these committees."

TERMINATION OF U.S. MILITARY OPERATIONS IN INDOCHINA

The Senate contained a provision which would declare it to be the policy of the United States to terminate military operations in Indochina and withdraw all U.S. military forces no later than six months after the date of enactment, subject to the release of American POWs held by the Government of North Vietnam and its allies. The provision would also urge and request the President to implement this policy by establishing a final date for withdrawal, contingent upon POW release, but not later than six months after enactment. The President would also be requested to negotiate an immediate all Indochina cease-fire, and to negotiate an agreement with North Vietnam for phased withdrawal of U.S. forces in exchange for phased releases of POWs.

The House amendment contained no comparable provision.

The Senate receded.

LIMITATIONS ON UNITED STATES ACTIVITIES IN CAMBODIA

The Senate bill amended section 7(a) of the Special Foreign Assistance Act of 1971 to prohibit the provision of US advisors to or for Cambodian military, paramilitary, police or other security or intelligence forces in Cambodia.

The House amendment contained no comparable provision.

The House receded.

RESTRICTION RELATING TO FOREIGN TROOPS AND DEFENSE ARTICLES

The Senate bill contained provisions which (1) expanded current prohibitions against the payment of allowance to free world forces in Vietnam greater than amounts paid Americans to include any U.S. agency, not just the Defense Department, and (2) expanded the requirement for agreements concerning the use and disposition of U.S. furnished defense articles to cover items furnished by all U.S. agencies.

The House amendment did not contain a comparable amendment.

The House receded.

REDUCTION IN U.S. ASSESSMENT RATE PAID TO U.N.

The Senate bill urged the President to implement that portion of the recommendations in the Lodge Commission Report which proposes that the U.S. assessed contribution to the regular budget of the United Nations be reduced to no more than 25% of the cost assessed to all members of the organization for any single budget year.

The House amendment did not contain a comparable provision.

The House receded.

ANNUAL AUTHORIZATIONS FOR ALL CONTRIBUTIONS TO THE UNITED NATIONS

The Senate bill terminated the continuing authority provided in the UN Participation Act of 1945 for the appropriation of funds for U.S. assessed contributions to the UN. It

December 17, 1971

CONGRESSIONAL RECORD — SENATE

S 21901

The House amendment did not contain a comparable provision.

The House accepted the Senate provision with an amendment which reduced the percentage amount required to be deposited to 10% and specifically excluded from the requirement military assistance provided to South Vietnam, Cambodia and Laos; and required deposits by South Korea to be made only for military assistance provided under the authority of the Foreign Assistance Act of 1961, as amended.

TRANSFER OF SUPPORTING ASSISTANCE TO PART II OF THE FOREIGN ASSISTANCE ACT

The House amendment contained a provision which transferred supporting assistance from Part I, economic assistance, to Part II, military assistance, and renamed the chapter "Security Supporting Assistance."

The Senate bill contained no comparable provision.

The Senate receded.

SUPPORTING ASSISTANCE AUTHORIZATION

The House amendment authorized the appropriation of \$800 million for Security Supporting Assistance for each of the fiscal years 1972 and 1973.

The Senate bill authorized the appropriation of \$566 million for Supporting Assistance, and provides an additional separate authorization of \$85 million for Israel, for FY 1972.

The Committee of Conference agreed to an authorization of \$618 million, \$50 million of which was earmarked to be available for Israel only.

PROPOSED CHANGES TO SECTION 620 (c)

The Senate bill required suspension of assistance to a country which seizes property in a manner heretofore prescribed by the Hickenlooper amendment immediately upon such seizure and would permit resumption of assistance only when the President is satisfied that such country has "discharged its obligations under international law . . . including speedy compensation."

The House amendment did not contain a comparable provision.

The Senate receded.

PROHIBITION ON AID TO COUNTRIES FAILING TO SUPPORT PRISONER OF WAR CONVENTION

The Senate bill added a new subsection (v) to section 620 of the Foreign Assistance Act prohibiting assistance to any country which the President determines has failed to support actively the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.

The House amendment did not contain a comparable provision.

The Senate receded.

PROHIBITION ON ASSISTANCE TO GREECE

The House amendment added a new subsection (v) to Section 620 of the Foreign Assistance Act directing that no assistance be furnished under the Foreign Assistance Act, and no sales be made under the Foreign Military Sales Act, to Greece until the President finds that overriding requirements of the national security of the United States justify a waiver of this prohibition and promptly reports such finding to the Congress in writing with reasons for such finding. The House amendment further provided that in no event shall the aggregate amount of assistance and sales made to Greece in any fiscal year exceed the aggregate amount expended for such assistance and sales for the fiscal year 1971.

The Senate bill did not contain a comparable provision.

The Senate receded.

SUSPENSION OF ASSISTANCE TO PAKISTAN

The Senate bill included a provision suspending all assistance to Pakistan relating to military services, all licenses with respect to the transportation of arms, ammunitions, and implements of war, as well as to eco-

nomic assistance, other military assistance, and sales of agricultural commodities. The provision of humanitarian assistance and related services was not affected.

The House amendment applied a ban similar to that of the Senate bill except for sales of defense services and military-related licenses.

The House receded.

COORDINATOR FOR SECURITY ASSISTANCE

The House amendment provides for a Security Assistance Coordinator at Executive Level III in the Department of State.

The Senate bill contains no comparable provision.

The Senate receded.

USE OF PART I FUNDS FOR STATE DEPARTMENT ADMINISTRATIVE COSTS RELATED TO FOREIGN AID

The House Amendment added to the Foreign Assistance Act a new subsection 637(c), which authorizes the use of up to \$2,755,000 in program funds for Administrative Expenses—including \$155,000 for State Department expenses—for each of the fiscal years 1972 and 1973, to cover the cost of the January 1971 Federal pay raise during those fiscal years.

The Senate bill contained no comparable provision.

The House receded.

CARRYOVER OF UNAPPROPRIATED FISCAL YEAR 1972 AUTHORIZATION

The House amendment provided that amounts authorized but not appropriated for FY 1972 may be carried over and appropriated in FY 1973.

The Senate bill did not contain a comparable provision.

The House receded.

LIMITATIONS UPON EXERCISE OF SPECIAL AUTHORITIES

The Senate bill contained a provision which would prevent the President from exercising the special authorities granted him under section 506(a), 610(a) or 614(a) of the Foreign Assistance Act of 1961, as amended unless he gives the Congress ten days notice prior to the date he intends to exercise these authorities.

The House amendment did not contain a comparable provision.

The House receded with an amendment which struck out the ten days but retained the requirement for advance notice. It was the understanding of the Committee of Conference that, while not specifying the number of days, the advance notice should not just be immediately contemporaneous with the use of these authorities.

COUNTRY-BY-COUNTRY ALLOCATIONS

The Senate bill contained a provision which would require the President within thirty days after foreign assistance funds have been appropriated to notify Congress of the amount and category of assistance which will be provided to every foreign country and international organization. Thereafter, the President would be restricted from increasing by more than ten percent the amount of assistance to any country in any category set forth in such notification unless he should find the increase vital to the national security and reported his decision to Congress at least ten days in advance of providing the funds. The provision would also prevent the use of Section 614(a) waiver authority to avoid the requirements of the section.

The House amendment contained no comparable provision.

The House receded with an amendment which made the transfer provision applicable only to military and related security assistance and allowed the requirements to be waived when it was "in the security interests" of the U.S. rather than "vital" to those interests.

NEW SECTION 654 ON "RESIDENTIAL FINDINGS AND DETERMINATIONS"

The Senate bill contained a provision which provided that no action could be taken on any Presidential finding or determination until such time as that finding or determination has been reduced to writing and signed by the President.

The House version contained no comparable provision.

The House receded.

LIMITATIONS ON ASSISTANCE TO CAMBODIA

The Senate bill contained a provision which limited expenditure to, in, or for Cambodia to \$341 million for fiscal year 1972 and imposed a ceiling of 200 U.S. personnel and 50 third country nationals that could be present at any one time in Cambodia.

The House amendment contained no comparable provisions.

The House accepted the Senate provisions with amendments which specifically excluded from the computation related to the ceiling for fiscal year 1972 the obligation or expenditure of funds attributable to the operation of the Armed Forces of the Republic of Vietnam in Cambodia and raised to 85 the ceiling on third country nationals that are permitted in Cambodia at any one time.

The Committee of Conference was in full agreement that additional congressional controls over U.S.-financed operations in Cambodia should be exercised. Therefore, it is intended that U.S. expenditures in, to, or in behalf of Cambodia in the future will continue to be subjected to limitations and ceilings. It is expected that for fiscal year 1973 and future years the Administration will provide Congress with a full and accurate estimate of the projected expenditures for all U.S.-financed operations in Cambodia, including the U.S.-paid portion of the cost of South Vietnamese military operations, so that future authorizations and ceilings may be intelligently imposed.

AMENDMENTS TO SECTION 33 (A) RELATING TO LATIN AMERICAN REGIONAL CEILINGS

The Senate bill established a \$100 million annual ceiling on military assistance and sales to Latin America. It repealed the President's authority to waive the regional ceilings established by section 33 of the Foreign Military Sales Act. It also eliminates the President's authority to waive regional ceilings.

The House amendment establishes a ceiling of \$150 million on such sales and assistance and amended the President's waiver authority so that regional ceilings may be exceeded by not more than 50%.

The Committee of Conference agreed to accept the Senate ceiling of \$100 million and the House waiver authority allowing an amount up to 50 percent of the approved ceiling when overriding requirements of the national security exist.

FOREIGN MILITARY CREDIT SALES

The Senate bill contained a provision which would authorize \$400 million in new obligatory authority for military credit sales for FY 1972 and would set the ceiling on military credits at \$550 million for FY 1972, of which \$300 million was to be available only for Israel.

The House amendment authorized \$510 million for purposes of the Foreign Military Sales Act in each of the fiscal years 1972 and 1973. It also increased the aggregate ceiling on military credits from \$340 million to \$582 million for each of the fiscal years 1972 and 1973.

The House receded.

EXTENSION OF PERIOD FOR REPAYMENT OF FOREIGN MILITARY CREDIT SALES

The House amendment increased the maximum period of military credits from 10 to 20 years.

December 17, 1971

CONGRESSIONAL RECORD — SENATE

S 21899

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the bill and the House amendment to the text of the bill. The committee of conference also recommends that the Senate recede from its disagreement to the amendment of the House to the title of the bill.

The differences between the text of the House bill and the substitute agreed to in conference, as noted below, except for clerical corrections, and minor drafting and clarifying changes.

The Senate passed two foreign aid authorization bills. S. 2819 authorized \$1,503,-

000,000 for grant military assistance, supporting assistance, and foreign military credit sales for fiscal year 1972. S. 2820 authorized \$1,144,000,000 plus \$11,000,000 in Egyptian pounds for economic and humanitarian assistance for fiscal year 1972. The total of the two Senate bills for fiscal year 1972 was \$2,647,000,000 plus \$11,000,000 in Egyptian pounds.

The House amendment to both bills contained authorizations for economic humanitarian, and military assistance for fiscal years 1972 and 1973. For fiscal year 1972 the economic part authorized \$1,428,350,000 plus \$1,000,000 in Egyptian pounds and the military part authorized \$2,015,000,000 for a total of \$3,443,350,000 plus \$1,000,000 in Egyptian pounds. The total for fiscal year 1973 was \$3,493,350,000 plus \$1,000,000 in Egyptian pounds.

The committee of conference agreed to a single bill that contains authorizations for

economic and humanitarian assistance for fiscal years 1972 and 1973 and for military assistance only for fiscal year 1972. The total authorization for fiscal year 1972 is \$2,752,-000,000 plus \$11,000,000 in Egyptian pounds. This is a reduction from the House figure of \$691,350,000 and an increase over the Senate figure of \$105,000,000.

Of the total authorization for fiscal year 1972, \$1,518,000,000 is for military assistance and \$1,234,000,000 is for economic and humanitarian assistance. For fiscal year 1973 the authorization for economic and humanitarian assistance is \$984,000,000. The reduction of \$250,000,000 for fiscal year 1973 reflects the fact that the authorization for Pakistan relief is limited to fiscal year 1972.

Except for clarifying, clerical, and necessary conforming changes, the differences between the two Houses and the adjustments made in the committee of conference are noted below:

AUTHORIZATION OF FUNDS—FOREIGN ASSISTANCE AUTHORIZATIONS

Program	Senate	House		Conference agreement	
	fiscal year 1972	Fiscal year 1972	Fiscal year 1973	Fiscal year 1972	Fiscal year 1973
Economic:					
Development loans.....	¹ \$250,000,000	² \$400,000,000	² \$450,000,000	¹ \$250,000,000	¹ \$250,000,000
Technical cooperation.....	175,000,000	183,500,000	183,500,000	175,000,000	175,000,000
Alliance for Progress.....	225,000,000	378,250,000	428,250,000	295,000,000	295,000,000
Loans.....	(150,000,000)	(287,500,000)	(337,500,000)	(206,500,000)	(206,500,000)
Grants.....	(75,000,000)	(90,750,000)	(90,750,000)	(88,500,000)	(88,500,000)
International organizations.....	138,000,000	143,000,000	143,000,000	138,000,000	138,000,000
Arab refugees (UNRWA).....	³ 1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Egyptian pounds.....	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)
Indus Basin.....	15,000,000	5,000,000	10,000,000	15,000,000	15,000,000
American schools.....	15,000,000	30,000,000	30,000,000	30,000,000	30,000,000
Contingency fund.....	30,000,000	30,000,000	50,000,000	30,000,000	30,000,000
Pakistan refugees.....	250,000,000	100,000,000	—	250,000,000	—
Population.....	(⁴)	⁵ 100,000,000	⁵ 125,000,000	(⁴)	(⁴)
Administrative expenses.....	45,000,000	⁶ 57,600,000	⁶ 57,600,000	50,000,000	50,000,000
Suez Canal.....	⁷ (10,000,000)	(⁸)	—	⁷ (10,000,000)	⁷ (10,000,000)
Total, economic.....	1,144,000,000	1,428,350,000	1,478,350,000	1,234,000,000	984,000,000
Military:					
Grant military assistance.....	420,000,000	705,000,000	705,000,000	500,000,000	—
Supporting assistance.....	556,000,000	800,000,000	800,000,000	518,000,000	—
Israel.....	85,000,000	(⁹)	—	¹⁰ (50,000,000)	—
Military credit sales.....	¹¹ 400,000,000	510,000,000	510,000,000	400,000,000	—
Total, military.....	1,503,000,000	2,015,000,000	2,015,000,000	1,518,000,000	—
Grand total.....	¹² 2,647,000,000	¹³ 3,443,350,000	3,493,350,000	¹² 2,752,000,000	¹² 984,000,000

¹ Repeals authority to request appropriations against sums previously authorized but unappropriated in fiscal years 1972 and 1973.

² Sums previously authorized but unappropriated are available for appropriations.

³ The Senate authorization for international organizations in S. 2820 was \$139,000,000 of which \$1,000,000 was for Arab refugees.

⁴ Earmarks \$125,000,000 of funds appropriated for pt. I for this program.

⁵ Also authorizes the use of additional pt. I funds for this program.

⁶ Plus the use of \$2,775,000 of pt. I funds.

⁷ In Egyptian pounds.

⁸ Open-ended authorization of an appropriation for use of Egyptian pounds owned by the United States.

⁹ The Committee on Foreign Affairs recommended (H. Rept. 92-380) that Israel be considered eligible to receive assistance under this program.

¹⁰ Earmarked from supporting assistance funds.

¹¹ Credit ceiling set at \$550,000,000, of which \$300,000,000 is earmarked for Israel.

¹² Plus \$11,000,000 in Egyptian pounds.

¹³ Plus \$1,000,000 in Egyptian pounds.

PUBLIC LAW 480 ADMINISTRATIVE COSTS

The Senate bill contained a provision which expressed the sense of Congress that administrative expenses of operating the P.L. 480 Food-for-Peace program not be reduced in any general reduction of foreign assistance.

The House amendment did not contain a comparable provision.

The House receded.

USE OF RECEIPTS FROM DOLLAR LOANS

The Senate bill placed a \$200 million limitation on the use, in fiscal year 1972, of dollar receipts from loans made under the Mutual Security Act of 1954 and under Part I of the Foreign Assistance Act of 1961.

The House amendment authorized the use, in fiscal years 1972 and 1973, of dollar receipts from loans made under Part I of the Foreign Assistance Act of 1961 under the Mutual Security Act of 1954 and under predecessor foreign assistance legislation.

The Senate receded with an amendment striking that portion of the House language which would have authorized the use of dollar receipts from loans made under pre-1954 foreign assistance legislation.

CONGRESSIONAL INTEREST RATES

The Senate bill required A.I.D. development loans (other than Alliance loans) to carry a rate of interest no less than the current interest rate paid by the United States on its outstanding obligations of comparable maturity.

The House amendment did not contain a comparable provision.

The Senate receded.

INTEREST RATE ON PUBLIC LAW 480 LOANS

The Senate bill exempted loans made pursuant to Section 106(a) of the Agricultural Trade Development and Assistance Act of 1954 from an increase in interest rates proposed elsewhere in the Senate bill for bilateral loans funded under the Foreign Assistance Act.

The House amendment did not contain a comparable provision.

The Senate receded.

REPEAL OF CARRYOVER OF UNAPPROPRIATED AUTHORIZATIONS FOR DEVELOPMENT LOANS

The Senate bill amended Section 202(a) of the Act by striking the proviso which authorizes appropriation of amounts author-

ized for development loans for prior fiscal years during a specified period, but which remain unappropriated.

The House amendment did not contain a comparable provision.

The Senate receded.

PROHIBITION AGAINST DEVELOPMENT LOANS FOR SOUTH KOREAN FISHING INDUSTRY

The Senate bill introduced an amendment to the development loan authority which would prohibit any loan to South Korea in connection with construction and operation of commercial fishing vessels, fish processing or the marketing of fish products.

The House amendment did not contain a comparable provision.

The Senate receded.

PHASE-OUT BILATERAL LENDING PROGRAMS

The Senate bill required phase-out of the bilateral loan program not later than June 30, 1975 and removed the 10% limitation on the transfer of economic assistance funds to multilateral organizations.

The House amendment did not contain a comparable provision.

The House receded with an amendment

which changed the language of the Senate bill so as to request the President to reduce the number and amounts of bilateral loans with the objective of reducing such loans to the level of \$100 million by June 30, 1975. The amendment also deleted the Senate language which applied bilateral loan criteria to economic development funds transferred to multilateral organizations.

INDUS BASIN GRANTS AUTHORIZATION

The House amendment authorized appropriation of \$5 million for FY 1972 and \$10 million for FY 1973.

The Senate bill authorized appropriation of \$15 million for FY 1972 only.

The House receded with an amendment authorizing \$15 million for each of the fiscal years 1972 and 1973.

AMERICAN SCHOOLS AND HOSPITALS

The Senate bill provided an authorization of \$15,000,000 for this program for fiscal year 1972.

The House amendment authorized \$30,000,000 for each of the fiscal years 1972 and 1973.

The Senate receded.

EXCESS EGYPTIAN POUNDS FOR SUEZ CANAL REOPENING

The House amendment provided an authorization for the appropriation of such amounts of excess Egyptian pounds as are now owned by the United States for assistance in reopening the Suez Canal.

The Senate bill was the same except that the appropriation of excess Egyptian pounds authorized is limited to the equivalent of \$10,000,000.

The House receded.

HOUSING GUARANTY AUTHORITY

The House amendment increases present worldwide housing guaranty issuing authority from the present ceiling of \$130,000,000 to a new ceiling of \$230,000,000, an increase of \$100,000,000.

The Senate bill increased the ceiling to \$180,000,000, an increase of \$50,000,000.

The Committee of Conference agreed to increase the ceiling to \$205,000,000, an increase of \$75,000,000.

EXEMPTION FOR OPIC PROGRAMS

The Senate bill added a provision which would except OPIC programs from prohibitions against assistance contained in the Foreign Assistance Act or any other law applying to any country whenever the President determines that the operation of the OPIC program in such country is important to the national interest.

The House amendment did not contain a comparable provision. The Committee of Conference agreed that the new authority provided in the proposed bill will be limited to authorize OPIC operations in Yugoslavia and Rumania.

CHANGE IN DEFINITION OF ELIGIBLE INVESTOR FOR OPIC PROGRAMS

The Senate bill changed the definition of "eligible investor" to delete the provision that the allowable less-than-5% foreign ownership of a U.S.-owned foreign corporation must be required by law in order for such corporation to be eligible for OPIC programs.

The House amendment did not contain a comparable provision.

The House receded.

SEPARATE AUTHORIZATION FOR POPULATION PROGRAMS

The Senate bill earmarked a total of \$125 million from any of the economic assistance funds contained in Part I of the Foreign Assistance Act for FY 1972.

The House amendment authorized as a separate line item appropriation of \$100 million in FY 1972 and \$125 million in FY 1973.

The House receded with an amendment which makes the earmarking authority apply to each of the fiscal years 1972 and 1973.

INTERNATIONAL NARCOTICS CONTROL

The Senate bill authorized the President to furnish assistance to any foreign country in order to encourage and enable that country to control or eliminate the production, processing or distribution of drugs within or across its boundaries; earmarked for drug control assistance \$25,000,000 annually from funds provided under the Foreign Assistance Act of 1961, as amended; required an annual Presidential determination before furnishing any assistance to any country of whether that country has taken appropriate measures to control the illicit drug trade; provided for the cessation of all assistance to any country determined not to have taken appropriate measures and the seeking of international economic sanctions against such country; and provided Presidential waiver authority based on a finding of overriding national interest with a requirement for full reporting to the Congress on determinations and waivers.

The House amendment authorized the President to conclude drug control agreements with other countries and to furnish assistance to any country or international organization for drug control purposes; provided for the use of any of the funds made available under the Foreign Assistance Act of 1961, as amended, for drug control assistance; and required the President to suspend assistance whenever he determines that a country has failed to take appropriate steps to prevent the illicit drug trade.

The Senate receded.

REQUIREMENT FOR PUBLIC LAW 480 SECTION 104(C) AGREEMENTS

The Senate bill eliminated the requirement currently contained in section 505(e) of the Foreign Assistance Act of 1961, as amended, that military assistance recipients enter agreements permitting the use for security assistance purposes of foreign currencies accruing to the U.S. from PL 480 sales.

The House amendment contained no comparable provision.

The House receded.

MILITARY ASSISTANCE AUTHORIZATION

The Senate bill authorized military assistance of \$452 million for fiscal year 1972.

The House amendment provided an authorization of \$705 million for each of the fiscal years 1972 and 1973.

The Committee of Conference agreed to a \$600 million authorization for fiscal year 1972 only.

MAP TRAINING RESTRICTION

The House amendment repealed Section 510 of the Foreign Assistance Act, which limits the number of foreign military students to be trained in the United States in any fiscal year to the number of foreign students brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.

The Senate bill contained no comparable provision.

The House receded. The Committee of Conference agreed that the possibility of changing this limitation to some basis such as a man-month ratio rather than the present man-for-man basis should be studied.

MILITARY ASSISTANCE FOR LATIN AMERICAN COUNTRIES AND ORGANIZATION OF AMERICAN STATES

The Senate bill amends section 507(a) of the Foreign Assistance Act of 1961, as amended, by establishing a ceiling of \$10 million for the furnishing of defense articles on a bilateral basis to Latin American countries, and \$25 million for defense articles furnished on a cost-sharing basis to an inter-American military force under the control of the Organization of American States.

The House amendment did not contain a comparable provision.

The House receded.

TWENTY-FIVE PERCENT REDUCTION IN PERSONNEL ASSIGNED TO MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS

The Senate bill contained a provision which would require at least a 25 percent reduction in the personnel to United States military assistance advisory groups, military missions and other U.S. organizations performing similar activities by September 30, 1972.

The House amendment did not contain a comparable provision.

The House accepted the Senate provision with an amendment reducing the mandatory reductions to 15 percent and urging that every effort be made to meet the 25 percent goal.

CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE

The House amendment contained a provision requiring that decisions to furnish military assistance take into account whether such assistance will: (1) contribute to an arms race, (2) increase the possibility of outbreak or escalation of conflict or (3) prejudice the development of bilateral or multilateral arms control arrangements.

The Senate bill contained no comparable provision.

The Senate receded.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS

The Senate bill contained a provision which prohibited the provision of funds for the purpose of financing any military operations by foreign forces in Laos, North Vietnam, or Thailand unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken.

The House amendment did not contain a comparable provision.

The Senate receded.

MILITARY ASSISTANCE AUTHORIZATION FOR THAILAND

The Senate bill contained a provision which would require the transfer of authorizations for military assistance programs for Thailand from the Department of Defense to the Foreign Assistance Act of 1961, as amended.

The House amendment did not contain a comparable provision.

The House accepted the Senate provisions with the understanding that assistance programmed for Thailand prior to the date specified in Section 513 and which is in the "pipeline" at that time may be provided regardless of when the Defense articles are actually delivered or the Defense services actually rendered.

NEW SECTION 514 ON "SPECIAL FOREIGN COUNTRY ACCOUNTS"

The Senate bill contained a provision which required the establishment of special foreign country accounts, in which any government receiving grant military assistance would deposit an amount equal to 25% of the value of such assistance and allow the United States Government to use such amounts to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international and educational cultural exchange programs authorized by existing legislation. This provision would not apply if the President determined that the U.S. was able to pay all such costs without the deposit of such currency and without having to expend U.S. dollars to purchase such currency. It would also not apply in any case in which military assistance is given to a foreign country under an agreement which allows the United States Government to operate a military or other similar base in that country in exchange for such assistance. The funds deposited in such special accounts would be available for expenditure without additional appropriations.

December 17, 1971

CONGRESSIONAL RECORD — SENATE

S 21897

United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

"SEC. 656. LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

"SEC. 657. ANNUAL FOREIGN ASSISTANCE REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

"(1) the aggregate dollar value of all for-

ign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

"(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

"(3) the aggregate dollar value of all arms, ammunitions, and other implements of war, and the aggregate dollar value of each category of such arms, ammunitions, and implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year; and

"(4) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1)–(3) of this subsection.

"(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

"(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

"(d) For purposes of this section—

"(1) 'foreign assistance means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country;

"(2) 'provided by the United States Government' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

"(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government.

"SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress

that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare have been released for obligation and expenditure.

"(b) The provisions of this section shall not apply—

"(1) to funds being withheld in accordance with specific requirements of law; and

"(2) to appropriations obligated or expended prior to April 30, 1972."

(c)(1) Section 644(m) of such Act, relating to definitions, is amended by striking out—

"(m) 'Value' means—"

and inserting in lieu thereof—

"(m) 'Value' means, other than in section 657 of this Act—"

(2) Subsection (a) of section 634 of such Act, relating to reports and information, is repealed.

(3) The provisions of this subsection and section 657 of such Act, as added by subsection (b) of this Act, shall apply with respect to each fiscal year commencing on or after July 1, 1971.

PART IV—MISCELLANEOUS PROVISIONS

SEC. 401. The Foreign Military Sales Act is amended as follows:

(a) In section 31(a) of chapter 3, relating to authorization, strike out "\$250,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "\$400,000,000 for the fiscal year 1972".

(b) In section 31(b) of chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "\$340,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "\$550,000,000 for the fiscal year 1972, of which amount not less than \$300,000,000 shall be made available to Israel only".

(c) In section 33(a) of chapter 3, relating to regional ceilings on foreign military sales, strike out "\$75,000,000" and insert in lieu thereof "\$100,000,000".

(d) Subsection (c) of section 33 of chapter 3, relating to regional ceilings on foreign military sales, is amended to read as follows:

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such findings. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1951, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed any geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling."

(e) In section 42(a) of chapter 4, relating to general provisions—

(1) strike out "and" immediately before "(2)"; and

(2) immediately before the period at the end thereof insert the following: ", and (3) the extent to which such sale might contribute to an arms race, or increase the pos-

sibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements".

(f) Section 42 of chapter 4, relating to general provisions, is amended as follows:

(1) In subsection (a), strike out "but consideration shall also be given" and insert in lieu thereof "but, subject to the provisions of subsection (b) of this section, consideration shall also be given".

(2) Redesignate subsections (b) and (c) as subsections (c) and (d), respectively, and, immediately after subsection (a), insert the following new subsection:

"(b) No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under a license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States."

Sec. 402. Section 8 of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended—

(1) by striking out the first and second sentences of subsection (a) and inserting in lieu thereof the following: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order.";

(2) by striking out, in subsection (b), "\$100,000,000" and inserting in lieu thereof "\$185,000,000"; and

(3) by adding at the end thereof the following new subsection:

"(e) Except for excess defense articles granted under part II of the Foreign Assistance Act of 1961, the provisions of this section shall not apply to any excess defense article granted to South Vietnam prior to July 1, 1972."

Sec. 403. Paragraph (9) of section 5314 of title 5, United States Code, relating to level III of the Executive Schedule, is amended by inserting before the period at the end thereof the following: "and an Under Secretary of State for Coordinating Security Assistance Programs".

Sec. 404. The first section of the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the

Interparliamentary Union" (22 U.S.C. 276), is amended as follows:

(1) Strike out "\$53,550" and insert in lieu thereof "\$102,000".

(2) Strike out "\$26,650" and insert in lieu thereof "\$57,000".

(3) Strike out "\$26,900" and insert in lieu thereof "\$45,000".

Sec. 405. Section 2 of the joint resolution, entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928b), is amended as follows:

(1) Strike out "\$30,000" and insert in lieu thereof "\$50,000".

(2) Strike out "\$15,000" each place it appears and insert in lieu thereof in each such place "\$25,000".

Sec. 406. Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) Strike out the title of such part and insert in lieu thereof the following:

"PART IV—THE INTER-AMERICAN FOUNDATION ACT"

(2) The caption of section 401 and subsection (a) of such section of that part are amended to read as follows: "INTER-AMERICAN FOUNDATION.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the 'Foundation')."

(3) Section 401 of such part is amended by striking out "Institute" wherever it appears and inserting in lieu thereof "Foundation".

(4) Section 401(e)(4) of such part is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed \$10,000 in any fiscal year), allowed and paid;"

(5) Section 401(l) is amended to read as follows:

"(l) (1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3105 of title 5, United States Code."

Sec. 407. (a) It is the purpose of this section to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970, with respect to—

(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

(2) providing periodic authorizations of appropriations for that Department and Agency.

(b) Section 15 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680) is amended to read as follows:

"Sec. 15. (a) Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.

"(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and

currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility."

(c) The last sentence of section 13 of such Act (22 U.S.C. 2684) is repealed.

(d) Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended to read as follows:

"PRIOR AUTHORIZATIONS BY CONGRESS"

"Sec. 701. Notwithstanding any other provision of law, no appropriation shall be made to the Secretary of State, or to any Government agency authorized to administer the provisions of this Act, under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation enacted by the Congress after the date of enactment of the Foreign Assistance Act of 1971."

Sec. 408. Section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by striking out "Cambodian military forces" and inserting in lieu thereof "military, paramilitary, police, or other security or intelligence forces".

Sec. 409. Section 401(a) of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is amended—

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

Sec. 410. The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the "Lodge Commission") which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

J. W. FULBRIGHT,

FRANK CHURCH,

GEORGE D. AIKEN,

JOHN SHERMAN COOPER,

CLIFFORD P. CASE,

Managers on the Part of the Senate.

THOMAS E. MORGAN,

CLEMENT J. ZABLOCKI,

WAYNE L. HAYS,

DANTE B. FASCELL,

WILLIAM S. MAILLIARD,

PETER H. B. FRELINGHUYSEN,

WM. S. BROOMFIELD,

Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the action agreed upon by the managers and recommended in the accompanying conference report:

December 17, 1971

CONGRESSIONAL RECORD — SENATE

S 21895

cal year 1971, \$122,620,000" and insert in lieu thereof "for the fiscal year 1972, \$138,000,000, and for the fiscal year 1973, \$138,000,000".

(b) In subsection (b) (2) —

(1) strike out "for use in the fiscal year 1970, \$7,530,000, and for use in the fiscal year 1971, \$7,530,000" and insert in lieu thereof "for use in the fiscal year 1972, \$15,000,000, and for use in the fiscal year 1973, \$15,000,000"; and

(2) add at the end thereof the following new sentence: "The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act."

(c) In subsection (e), strike out "\$1,000,000 for the fiscal year 1970 and \$1,000,000 for the fiscal year 1971" and insert in lieu thereof "\$1,000,000 for the fiscal year 1972 and \$1,000,000 for the fiscal year 1973".

(d) At the end of such section 302, add the following new subsection:

"(f) There are authorized to be appropriated to the President, in addition to other amounts available for such purposes, \$1,000,000 for the fiscal year 1972 and \$1,000,000 for the fiscal year 1973, in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended."

CONTINGENCY FUND

SEC. 108. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended by striking out "for the fiscal year 1970 not to exceed \$15,000,000, and for the fiscal year 1971 not to exceed \$30,000,000" and inserting in lieu thereof "for the fiscal year 1972 not to exceed \$30,000,000, and for the fiscal year 1973 not to exceed \$30,000,000".

INTERNATIONAL NARCOTICS CONTROL AND REFUGEE RELIEF ASSISTANCE

SEC. 109. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapters:

"CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the

Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"CHAPTER 9—REFUGEE RELIEF ASSISTANCE

"SEC. 491. REFUGEE RELIEF ASSISTANCE.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed \$250,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

PART II—MILITARY ASSISTANCE

SEC. 201. Part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "\$350,000,000 for the fiscal year 1970, and \$350,000,000 for the fiscal year 1971" and insert in lieu thereof "\$500,000,000 for the fiscal year 1972".

(b) In section 505(b) (2), relating to conditions of eligibility, strike out "and" and insert in lieu thereof "or".

(c) Section 505(e), relating to conditions of eligibility, is repealed.

(d) In section 506(a), relating to special authority—

(1) strike out "1970 and the fiscal year 1971" and insert in lieu thereof "1972"; and

(2) strike out "each of the fiscal years 1970 and 1971" and insert in lieu thereof "the fiscal year 1972".

(e) Section 507(a), relating to restrictions on military aid to Latin America, is amended to read as follows: "(a) Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed \$10,000,000. Not to exceed \$25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States."

(f) At the end of chapter 2 of such part II, add the following new sections:

"SEC. 511. CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE.—Decisions to furnish military assistance made under this part shall take into account whether such assistance will—

"(1) contribute to an arms race;

"(2) increase the possibility of outbreak or escalation of conflict; or

"(3) prejudice the development or bilateral or multilateral arms control arrangements.

"SEC. 512. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—(a) It is the sense of Congress that the need for large United States military assistance advisory groups and military aid missions in foreign countries has diminished substantially during the last few years. In the words of the Peterson Task Force Report on International Development, 'The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. United States military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.'

"(b) In accordance with the provisions of subsection (a) of this section, the total number of United States military personnel

assigned and detailed, as of September 30, 1971, to United States military assistance advisory groups, military missions, and other organizations of the United States performing activities similar to such groups and missions, shall be reduced by at least 15 per centum by September 30, 1972, but every effort should be made to effect an aggregate reduction of 25 per centum by September 30, 1972.

"SEC. 513. MILITARY ASSISTANCE AUTHORIZATIONS FOR THAILAND.—After June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

"SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—(a) Except as otherwise provided in this section, no defense article may be given, and no grant of military assistance may be made, under this Act to a foreign country unless the country agrees—

"(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

"(A) in the case of any excess defense article to be given to that country, an amount equal to 10 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

"(B) in the case of a grant of military assistance to be made to that country, an amount equal to 10 per centum of each such grant; and

"(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

"(b) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a) (1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a) (2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

"(c) The provisions of this section shall not apply in any case in which an excess defense article is given, or a grant of military assistance is made—

"(1) to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that article or grant; and

"(2) to South Vietnam, Cambodia, or Laos.

"(d) In no event shall any foreign country be required, under this section, to make deposits in a special account aggregating more than \$20,000,000 in any one year."

SEC. 202. (a) At the end of such part II, add the following new chapter:

"CHAPTER 4—SECURITY SUPPORTING ASSISTANCE

"SEC. 531. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this Act on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

"SEC. 532. AUTHORIZATION.—There is authorized to be appropriated to the President

to carry out the purposes of this chapter for the fiscal year 1972 not to exceed \$618,000,000, of which not less than \$50,000,000 shall be available solely for Israel: *Provided*, That where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of plasters for goods and services, between said Government and the United States is fair to both countries.

"SEC. 533. UNITED STATES REFUND CLAIMS.—It is the sense of the Congress that the President should seek the agreement of the Government of Vietnam to the establishment and maintenance of a separate special account of United States dollars, which account shall be available solely for withdrawals by the United States, at such times and in such amounts as the President may determine, in satisfaction of United States dollar refund claims against the Government of Vietnam arising out of operations conducted under this Act. Such account should be established in an amount not less than \$10,000,000 and maintained thereafter at a level sufficient to cover United States refund claims as they arise."

(b) Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. References to such chapter or any sections thereof shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such part II.

PART III—GENERAL AND ADMINISTRATIVE PROVISIONS

SEC. 301. Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsections:

"(v) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

"(w) (1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or

any other law shall be suspended on the date of enactment of this subsection.

"(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

"(3) Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices."

SEC. 302. Section 624 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to statutory officers, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs."

SEC. 303. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorization for administrative expenses of the agency administering part I, is amended by striking out "for the fiscal year 1970, \$51,125,000, and for the fiscal year 1971, \$51,125,000" and inserting in lieu thereof "for the fiscal year 1972, \$50,000,000, and for the fiscal year 1973, \$50,000,000".

SEC. 304. (a) (1) Section 652 of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended to read as follows:

"SEC. 652. LIMITATION UPON EXERCISE OF SPECIAL AUTHORITIES.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

(2) The last sentence of section 506(a) of such Act, relating to special authority, is repealed.

(3) The last sentence of section 634(d) of such Act, relating to reports and information, is amended by striking out "610, 614 (a)," and inserting in lieu thereof "610(b)".

(b) Chapter 3 of part III of such Act is amended by adding at the end thereof the following new sections:

"SEC. 653. CHANGE IN ALLOCATION OF FOREIGN ASSISTANCE.—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each. Notwithstanding any other provision of law, the United States Government shall not provide to any foreign country or international organization any funds under that law which exceeds by 10 per centum the amount of military grant assistance or security supporting assistance, as the case may be, which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is in the security interests of the United States that

such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Congress, at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance.

"(b) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provision of section 614(a) of this Act.

"SEC. 654. PRESIDENTIAL FINDINGS AND DETERMINATIONS.—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

"(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or findings has been made by the President, including the name and section of the Act under which it was made, shall be published.

"(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

"SEC. 655. LIMITATIONS UPON ASSISTANCE TO OR FOR CAMBODIA.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of \$341,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) In computing the \$341,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1972, (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation the value of any goods, supplies, materials, or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33½ per centum of the amount the

December 17, 1971

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISION OF ORDER FOR THE CONSIDERATION OF FULBRIGHT AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the consideration of the Fulbright amendment—which would be the pending business—be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1971—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) to provide for foreign military and related assistance authorizations for fiscal year 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT (S. REPT. No. 92-590)

The committee of conference on the disagreeing votes of the two House on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Foreign Assistance Act of 1971".

FOOD-FOR-PEACE PROGRAM

SEC. 2. It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961.

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows:

(a) In section 202(a), relating to authorization—

(1) strike out "and \$350,000,000 for the fiscal year 1971" and insert in lieu thereof "\$350,000,000 for the fiscal year 1971, \$250,000,000 for the fiscal year 1972, and \$250,000,000 for the fiscal year 1973"; and

(2) strike out "and June 30, 1971" and insert in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

(b) In section 203, relating to fiscal provisions, strike out "and for the fiscal year 1971" and insert in lieu thereof "for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973".

(c) In section 209, relating to multilateral and regional programs—

(1) strike out subsection (a) and insert in lieu thereof the following: "(a) The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination or policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.";

(2) insert at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of law, the President should reduce the amounts and numbers of loans made by the United States directly to individual foreign countries with the objective of reducing the total amount of bilateral loans made under this Act so that, by not later than June 30, 1975, such total amount shall not exceed \$100,000,000.

"(d) In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this part I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries.";

(3) Strike out of subsection (b) "REGIONAL PROGRAMS.—".

(d) Section 205, relating to transfers to international financial institutions, is repealed.

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(a) In section 212, relating to authorization, strike out "\$183,500,000 for the fiscal year 1970, and \$183,500,000 for the fiscal year 1971" and insert in lieu thereof "\$175,000,000 for the fiscal year 1972, and \$175,000,000 for the fiscal year 1973".

(b) In section 214(c), relating to authorization for American schools and hospitals abroad, strike out "for the fiscal year 1970, \$25,900,000, and for the fiscal year 1971, \$12,900,000" and insert in lieu thereof "for the fiscal year 1972, \$30,000,000 and for the fiscal year 1973, \$30,000,000".

(c) At the end of such title II, add the following new section:

"SEC. 220A. SUEZ CANAL.—The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminatory basis. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed \$10,000,000 in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended."

HOUSING GUARANTIES

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, strike out "\$130,000,000" and insert in lieu thereof "\$205,000,000".

(b) In section 223(1), strike out "June 30, 1972" and insert in lieu thereof "June 30, 1974".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 104. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In the first proviso of section 238(c), relating to definitions, strike out "required by law to be".

(b) At the end of section 239, relating to general provisions and powers, add the following new subsection:

"(g) Except for the provisions of this title, no other provision of this or any other law shall be construed to prohibit the operation in Yugoslavia or Romania of the programs authorized by this title, if the President determines that the operation of such program in such country is important to the national interest."

(c) Section 240(h), relating to agricultural credit and self-help community development projects, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

ALLIANCE FOR PROGRESS

SEC. 105. Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization for the Alliance for Progress, is amended—

(1) by striking out "for the fiscal year 1970, \$428,250,000, and for the fiscal year 1971, \$428,250,000" and inserting in lieu thereof "for the fiscal year 1972, \$295,000,000, and for the fiscal year 1973, \$295,000,000"; and

(2) by striking out "\$90,750,000" and inserting in lieu thereof "\$88,500,000".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 106. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"SEC. 292. AUTHORIZATION.—Of the funds provided to carry out the provisions of this part I for each of the fiscal years 1972 and 1973, \$125,000,000 shall be available in each such fiscal year only to carry out the purposes of this title, and, notwithstanding any other provisions of this Act, funds used for such purposes may be used on a loan or grant basis."

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 107. Section 302 of chapter 3 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(a) In subsection (a), strike out "for the fiscal year 1970, \$122,620,000, and for the fis-

and as he left he turned to the assembled company and said: "I sure will tell the folks back home that the swellest part of England is Scotland."

Baroness Wootton of Abinger. My Lords, reference has been made in the course of speeches to-day to target practice, to the exploitation of minerals and oils and to the conservation of wild life. It seems to me that there may be some conflict between these interests. Could the noble Baroness give us any idea of which will have priority?

LORD WAKEFIELD of Kendal. My Lords, I wonder whether the noble Baroness could tell us if there are any liabilities? We have heard of the possible advantages that may arise from the passing of this Bill, but are there any liabilities? In this life nearly everything that has an advantage almost always has a disadvantage, and I am wondering what hidden liabilities, or disadvantages there might be in this Bill. Perhaps the noble Baroness can tell us.

BARONESS TWEEDSMUIR of Belhelvie. My Lords, I would thank all noble Lords who have each one welcomed this Bill and also thank them for taking part in this debate. Perhaps I may answer the points in the order in which they were raised. The noble Lord, Lord Tanlaw, wanted to know whether it was possible to raise the Saltaire over the Island of Rockall rather than the Union Jack. I think this is a very interesting suggestion and something which should be considered, but I can give no firm promise at this moment. The Union flag was raised successfully in 1955 at the time of annexation and in 1959 from H.M.S. "Cavendish" and in 1969 from H.M.S. "Heckler".

So far as mineral and oil rights are concerned, any licenses for exploration would have to be given under Scottish law. Whether oil companies, just as they do now, give out orders for any work to be done elsewhere is entirely up to them, but so far as it is known at the moment there is no evidence of any hydro-carbon deposits. Indeed, the Rockall Bank, on which the Island of Rockall is situated, is much deeper than anything which has been exploited up to now, for example, in the North Sea.

So far as Teinds are concerned, I should like to leave that question to the Assembly of the Church of Scotland. So far as giving an assurance that Her Majesty's ships will not use the Island of Rockall for target practice, that assurance I can certainly give on behalf of my right honourable friend the Secretary of State for Defense. So far as wild life is concerned, I am glad to say that the major Act of Parliament (the 1954 Act) which I had the honour to pilot through another place provides that all rare birds are left undisturbed and are protected. So far as the last question; that is, whether I could assure the House that at this moment in time, the Island of Rockall should be left alone in perpetuity, that I cannot undertake to do. It is really beyond my responsibilities or those of any other Minister in this House.

[Baroness Tweedsmuir of Belhelvie.]

The noble Lord, Lord Kennet, is one of the few who could. I imagine, from personal experience say that the Island of Rockall is "a dreadful place". Nevertheless, it is to us in Scotland and I think to all noble Lords, a very important place. The noble Lord asked me certain questions about the Conference on the Law of the Sea which is to take place in 1973, and I realise that the question of any special arrangements was raised both in Questions and in debate earlier in this House. I would thank the noble Lord for having given me notice that he was going to ask this question. Of course, he will realise that this particular Bill is concerned with domestic legislation, but so far as other arrangements are concerned, I should like to meet him just so far by saying that the matter as to whether there should be a special Select Committee was considered very

carefully. It was not really thought that special arrangements were necessary, because the various Government Departments are at this time trying to ensure that important British interests, such as the Chamber of Shipping and the oil industry, are consulted. In addition, of course, Ministers will always be available for consultation with any noble Lord who wishes to put a particular point of view. I would only say that if the noble Lord has any particular point I hope that he will be good enough to put it forward.

The noble Lord then asked whether it would be possible, on the question of policy, to have any kind of debate in this House or for information to be given to this House. I am sure that it would be possible to arrange this through the usual channels much nearer the time. He also raised the question of the Long Title. He did not like the words "that part of the United Kingdom known as Scotland". Those words are a quotation from the Act of Union, and therefore I suggest that they are hallowed by precedent.

The noble Viscount, Lord St. Davids, told us quite frankly that he had no interest whatsoever in the Island of Rockall, although he told us of his personal interest in the Island of Redonda. He wanted to know whether there were any ancient rights connected with the Island of Rockall. There are no ancient rights, and there has never been any challenge to British sovereignty over many, many years. The noble Baroness, Lady Wootton, asked which would get priority, the search for oil or the care of the environment. I can assure the noble Baroness that this is the kind of subject which comes up at the Conference on the Law of the Sea and will be discussed. Quite apart from that, we are at the moment having consultations on trying to prevent pollution in, for instance, the North Sea where there is exploration at this moment.

My noble friend Lord Wakefield asked me whether there were any liabilities in connection with the Island of Rockall. The only liability that I can think of at this moment is that we are now in the process of establishing an automatic light at the top of the Island of Rockall for the purpose of aiding shipping. Therefore we shall have the liability to maintain it in good order.

On Question, Bill read 2^a, and committed to a Committee of the Whole House.

GOOD NEWS TO THE WORLD

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent to have printed in the RECORD a statement by him relative to a prayer composed by the Reverend Ronald Winters, and the prayer itself.

There being no objection, the statement and prayer were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HARTKE

Although the thoughts of peace are with us each day, this time of year particularly draws our thoughts and wishes toward this focus.

It has done that, too, for the Rev. Ronald Winters, Pastor of the Mt. Pleasant Baptist Church in Floris, Virginia. Mr. Winters, a native of Indianapolis, Indiana, has been associated with my staff for twelve years, and it is my wish to share with Senators the prayer he has composed in this hope.

GOOD NEWS TO THE WORLD

(By Ronald Winters)

O eternal One, Who makest all things new, and abidest forever,
Grant us in the days to come that divine peace which the earth
Requires in these days of burdens on the hearts of men.

We come today requesting your healing power for those who are
Sick that they may regain their strength: your comfort for
Those who are lacking food and raiment. Give each that special
Cure and love which Jesus Christ portrayed in His coming.

For the prisoners of war, bless them so that they may return
To thier loved ones. May the families of those missing in
Action keep faith and trust the promise that all things
Work for good for those who love the Almighty.
As we face another year, may we continue it in Thy favour,
Being guided in all our doings with the freshness of the good
News in our hearts. Grant this through
Thine only Son, we pray.

EXTENSION OF THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for routine morning business be extended for not to exceed an additional 15 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON HOUSE JOINT RESOLUTION 1005, THE CONTINUING RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the continuing resolution, House Joint Resolution 1005, there be a time limitation of not to exceed 1 hour, the time to be equally divided between the distinguished Senator from Wisconsin (Mr. PROXMIER), the manager of the continuing resolution, and the distinguished minority leader or his designee. This will be at the conclusion of the vote on the foreign aid bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that if there are any amendments to be offered to the continuing resolution—and I do not anticipate any—there be a time limitation of 20 minutes on each, the time to be equally divided between the sponsor of the amendment and the majority leader or minority leader or whomever they may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.